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COMMITTEE ON CRIME PREVENTION AND CONTROL
Eleventh session
Vienna, 5-16 February 1990
Item 2 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATIONAL MATTERS

Provisional agenda

1. Election of officers.

2. Adoption of the agenda and organizational matters.

3. Programming and other matters:

(a) Progress report on United Nations activities in crime prevention and control for the biennium 1988-1989;

(b) Programme of work for the biennium 1990-1991;

(c) Negotiations of members of the Board of Trustees of the United Nations International Crime and Justice Research Institute;

4. Implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

5. Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

6. Review of the functions and programme of work of the United Nations in crime prevention and criminal justice;

7. Provisional agenda for the twelfth session of the Committee;

8. Adoption of the report of the Committee on its eleventh session.

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Annotations

1. Election of Officers

It has been the practice of the Committee to elect five officers: a Chairman, three Vice-Chairmen and a Rapporteur. The Committee may wish to do likewise at its eleventh session.

2. Adoption of the agenda and organizational matters

The provisional agenda and documentation for the eleventh session of the Committee were approved by the Economic and Social Council in decision 1989/133 of 24 May 1989. The annotations to the provisional agenda as set forth below also take into account those resolutions adopted by the General Assembly at its forty-third session and the Economic and Social Council at its first regular session of 1989 which are relevant to the work of the Committee.

3. Programming and other matters

(a) Progress report on United Nations activities in crime prevention and control for the biennium 1988-1989

The Committee will have before it the report of the Secretary-General on the status of implementation of activities relating to crime prevention and criminal justice during the biennium 1988-1989, including dissemination of information, national correspondents, technical co-operation and the network of regional and interregional institutes.

(b) Programme of work for the biennium 1990-1991

The programme of work in the field of crime prevention and control for the biennium 1990-1991 was approved by the General Assembly at its forty-fourth session and will be made available to the Committee for information.

(c) Nominations of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

By resolution 1989/56, the Economic and Social Council approved the statute transforming the United Nations Social Defence Research Institute (UNSDRI) into the United Nations Interregional Crime and Justice Research Institute (UNICRI). The new statute provides for a Board of Trustees composed of seven members selected by the Committee on Crime Prevention and Control, upon nomination by the Secretary-General, and endorsed by the Economic and Social Council, with due regard to the fact that the Institute and its work are funded from voluntary contributions and to the principle of equitable geographical distribution. The members shall be chosen from among eminent persons who possess the necessary qualifications and expertise. They shall serve in their individual capacity for a term of five years from the date of the first Board meeting in which they are invited to participate. They shall be eligible for reappointment by the Committee on Crime Prevention and Control, with the endorsement of the Economic and Social Council, for not more than

one additional term. Members shall retire by rotation; therefore, when the members are first appointed, three shall serve for five years, two for four years and two for three years. The members to serve these initial terms shall be determined at the first session of the Board by the drawing of lots.

Accordingly, the Committee will have before it the list of persons nominated by the Secretary-General for selection by the Committee and endorsement by the Council.

Documentation

Report of the Secretary-General on United Nations activities in crime prevention and control (E/AC.57/1990/2)

Extracts from the programme budget for the biennium 1990-1991 as approved by the General Assembly (A/44/6/Rev.1)

Extracts from the report of the Committee for Programme and Co-ordination on its twenty-ninth session (A/44/16, paras. 147-159 and Add.1)

Note by the Secretary-General on the nomination of members of the United Nations Interregional Crime and Justice Research Institute (E/AC.57/1990/7)

4. Implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Economic and Social Council, in section III of resolution 1986/10, requested the Secretary-General to submit a report on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power to the Committee not only at its tenth session but also at its eleventh session, if it occurred before the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Subsequently, in its resolution 1989/57 the Council, inter alia, recommended that Member States take the necessary steps to give effect to the provisions contained in the Declaration.

In its resolution 1989/58 on the United Nations network of government-appointed national correspondents in the field of crime prevention and control, the Council requested the Secretary-General to make every effort to strengthen the functional capacity of the network and to co-ordinate and mobilize it, in accordance with the provisions of paragraph 4 of that resolution.

Documentation

Report of the Secretary-General on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1990/3)

Note by the Secretary-General on the United Nations network of government-appointed national correspondents in the field of crime prevention and control (E/AC.57/1990/4)

5. Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The General Assembly, in resolution 43/99, called upon all States to become actively involved in the preparations for the Eighth Congress and encouraged the intergovernmental and non-governmental organizations concerned and the professional community to continue to collaborate in the research and other preparatory activities for the Eighth Congress. Subsequently, the Economic and Social Council, in resolution 1989/69, inter alia, invited the Committee, at its eleventh session, to accord priority attention to the preparations for the Eighth Congress and to ensure that all necessary organizational and substantive arrangements were made in good time.

Documentation

Report of the Secretary-General on the continuation of preparations for the Eighth United Nations Congress on the Prevetion of Crime and the Treatment of Offenders and on all new draft instruments in crime prevention and criminal justice to be considered by the Congress, with special reference to the five substantive items on the agenda of the Congress (E/AC.57/1990/5 and addenda)

Reports of the regional preparatory meetings for the Eighth Congress (A/CONF.144/RPM.1-5)

6. Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice

The Economic and Social Council, in resolution 1989/68, requested the Secretary-General to continue his efforts to improve the efficiency of the implementation of the crime prevention and criminal justice programme, to continue making the necessary provisions for the optimal functioning of the Committee on Crime Prevention and Control, as requested in Council resolutions 1986/11 and 1987/53, and to ensure the full co-ordination of the relevant activities in the United Nations system.

In the same resolution, the Council decided to authorize the Chairman of the Committee to convene, whenever necessary, inter-sessional working groups in co-operation with the Secretariat and to designate special rapporteurs, in pursuance of Council resolution 1986/11, to consider priority issues of concern to Member States and prepare recommendations thereon, subject to the availability of extrabudgetary resources.

At its tenth session, the Committee, in resolution 10/1, requested that the Chairman of the Committee, on the basis of informal consultations with members of the Committee, appoint a sub-committee composed of the Bureau and other designated members, with due regard to the principle of geographical distribution, working in collaboration with the directors of the regional and interregional institutes:

(a) To provide an overview of the magnitude of the problem of crime, including its economic, criminological, social and juridical aspects;

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(b) To assess the most efficient means of stimulating practical international action in support of Member States, and, in particular, the role of the United Nations in that regard;

(c) To make recommendations to the Committee, at its eleventh session, concerning the most effective mechanisms for the implementaiton of the conclusions of the overview.

Documentation

Note by the Secretary-General on the results of the review undertaken by a sub-committee of the Committee on Crime Prevention and Control on the functioning and programme of work of the United Nations in crime prevention and criminal justice (E/AC.57/1990/6)

7. Provisional agenda for the twelfth session of the Committee

Pursuant to paragraph 3 of Economic and Social Council resolution 1984 (LVII), the Committee will have before it the draft provisional agenda for its twelfth session, with an indication of the documents to be submitted under each agenda item and the legislative authority for their preparation, in order to enable the Committee to consider those documents from the point of view of their contribution to the work of the Committee, their urgency and their relevance in the light of the current situation.

In resolution 1979/41, the Council decided that the provisional agenda for its subsidiary bodies, together with the list of requested documentation, should be submitted to the Council for review, in order, inter alia, to establish greater consistency between the documentation of those bodies and the overall documentation requested by the Council and other subsidiary bodies and greater consistency between the requests for documentation and the medium-term plan and the programme budget.

The Council, in resolution 1989/114 on further measures for the implementation of its resolution 1988/77 on the revitalization of the Economic and Social Council, urged its subsidiary bodies to implement fully Council resolution 1979/41 in submitting to the Council, for consideration, their provisional agenda together with the list of requested documentation, with a view to ensuring greater consistency in requests for documentation and improving reporting procedures. In this connection, it will be recalled that the Council has urged all its subsidiary bodies to exercise the utmost restraint in making requests of the Secretary-General for new reports and studies and to implement fully the decisions of the Council and the General Assembly with respect to the control and limitation of documentation (see Council resolutions 1981/83 and 1982/50).

In decision 1983/163, the Council requested the Secretary-General to bring to the attention of intergovernmental and expert bodies, before decisions were adopted, any request for documentation that exceeded the ability of the Secretariat to prepare and process on time and within its approved resources and to draw the attention of intergovernmental bodies to areas where duplication of documentation

was likely to occur and/or where opportunities for integrating or consolidating documents that dealt with related or similar themes might exist, with a view to rationalizing documentation.

Documentation

Note by the Secretariat on the provisional agenda and documentation for the twelfth session of the Committee

8. Adoption of the report of the Committee on its eleventh session

In accordance with Economic and Social Council resolution 1983/25, the Committee reports to the Council and sends its report for information to the Commission for Social Development and, where appropriate, to other relevant United Nations organs.

Attention is drawn to Council resolution 1989/114, in which the Council requested its subsidiary bodies to highlight policy recommendations and decisions resulting from their deliberations for consideration and appropriate action by the Council.

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COMMITTEE ON CRIME PREVENTION AND CONTROL
Eleventh session
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Item 3 of the provisional agenda*

PROGRESS REPORT ON UNITED NATIONS ACTIVITIES IN CRIME PREVENTION AND CONTROL

Report of the Secretary-General

SUMMARY

The present report covers the period from 1 April 1988 to 31 October 1989. It provides information on United Nations activities in the field of crime prevention and criminal justice carried out in fulfiiment of the relevant programme budget, as well as those relating to technical assistance and to the United Nations regional and inter-regional institutes for the prevention of crime and the treatment of offenders.

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*E/AC.57/1990/1.

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INTRODUCTION

1. The present report has been prepared pursuant to Economic and Social Council decision 1989/133 of 24 May 1989, in which the Council approved the provisional agenda and documentation for the eleventh session of the Committee on Crime Prevention and Control.

I. ACTIVITIES CARRIED OUT UNDER THE PROGRAMME BUDGET FOR THE BIENNIUM 1988-1989

2. The programme budget of the United Nations for the biennium 1988-1989, under global social development issues, contained three subprogrammes dealing with crime prevention and criminal justice. 1/ These were as follows: crime prevention policy in the context of development and control of all forms and dimensions of crime, either international or transnational (subprogramme 9); analysis of crime trends and assessment of crime prevention strategies (subprogramme 10); and guidelines and standards in crime prevention and criminal justice (subprogramme 11).

A. Crime prevention policy in the context of development and control of all forms and dimensions of crime, either international or transnational

1. General preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and servicing of the Committee on Crime Prevention and Control

3. In accordance with Economic and Social Council resolution 1987/49 of 28 May 1987 and General Assembly resolution 42/59 of 30 November 1987, the Secretariat, during the first half of 1989, convened and serviced five regional preparatory meetings, the reports of which are before the Committee (A/CONF.144/RPM.1-5). The report on the continuation of preparations for the Eighth Congress provides further details (E/AC.57/1990/5 and Add.1-5).

4. Pursuant to General Assembly resolution 32/60 of 8 December 1977, and to Economic and Social Council decision 1986/130 of 21 May 1986, the Secretariat prepared documentation for, and organized and serviced, the tenth session of the Committee on Crime Prevention and Control. At that session, held at Vienna from 22 to 31 August 1988, the Committee recommended to the Economic and Social Council the adoption of 14 draft resolutions. 2/

5. During the period under consideration, in pursuance of General Assembly resolutions 41/107 of 4 December 1986 and resolution 42/59, the Secretariat prepared a report (A/43/572) on the progress achieved in the implementation of these resolutions for the Assembly at its forty-third session. Further, in pursuance of General Assembly resolution 43/99 of 8 December 1988, a report was prepared for the forty-fourth session of the Assembly (A/44/400).

6. The Secretary-General, in his report on the work of the Organization submitted to the General Assembly in September 1989, noted, inter alia, that the rising rates of crime, particularly in its transnational and organized forms, had become a threat to society as a whole and that this menace could not be overcome without full multilateral co-operation. Referring to the Eighth Congress, the Secretary-General affirmed that there was a need for Governments to co-ordinate the relevant policies and judicial procedures, and expressed the conviction that it was not beyond the combined capacities of Member States to ensure that no corner of the world would continue to serve as a sanctuary for the perpetrators of international crimes.

7. In pursuance of Economic and Social Council resolution 1988/44 of 27 May 1988, a report (E/1989/47) was submitted to the Council at its first regular session of 1989. During that session, the Council adopted all 14 draft resolutions recommended by the Committee in 1988, as resolutions 1989/56-69 of 24 May 1989.

8. On the same date, the Council also adopted resolution 1989/70 on international co-operation in combating organized crime, as recommended by its Second (Social) Committee. This resolution invites the Committee to pay special attention to promoting international co-operation in combating organized crime, and requests it to consider ways of strengthening such co-operation, taking due account of the opinions of Governments, international organizations and non-governmental organizations, and to submit its views to the Council at its first regular session of 1992.

2. Crime prevention and criminal justice in the context of development

9. A report to the General Assembly at its forty-fifth session on the implementation of the recommendations and decisions of the Seventh Congress is being prepared by the Secretariat; this will also be submitted to the Eighth Congress.

10. The technical publication on strategies integrating crime prevention policies in socio-economic development, foreseen as output (ii) of programme element 9.2, had to be reformulated due to lack of resources and the urgent need to dedicate all available means to Congress preparations. However, close co-ordination has been maintained with the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) in the preparation of an inventory of crime prevention measures, for consideration by the Eighth Congress, in pursuance of the recommendations of the Interregional Preparatory Meeting for the Eighth Congress on topic 1 (A/CONF.144/IPM.1).

3. Prevention and control of transnational forms of crime

11. The material collected by the Secretariat for a report to the Eighth Congress on the prevention and control of transnational forms of crime, including drug trafficking, criminal acts of a terrorist character and economic criminality, will be utilized in updating the report submitted to the Committee at its tenth session on proposals for concerted international action against forms of crime identified in the Milan Plan of Action, 3/ as well as for the preparation of the working paper on topic 3 of the Congress.

4. Juvenile crime in a changing socio-economic and cultural context

(a) United Nations Standard Minimum Rules for the Administration of Juvenile Justice

12. During the period under review, the Secretariat has continued to disseminate the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, raising awareness of their importance within the professional community and among the public. For example, the eighty-first Inter-Parliamentary Conference, held at Budapest from 13 to 18 March 1989, unanimously adopted a resolution on the protection of the rights of children. This resolution, inter alia, urged parliaments to review their national laws and practices as they concerned juveniles, to ensure compatibility with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, and to support efforts to adopt the draft Guidelines on the Prevention of Juvenile Delinquency (Guidelines of Riyadh) and the draft Standard Minimum Rules for Juveniles Deprived of their Liberty.

13. Close contact was also maintained with the Centre for Human Rights and the United Nations Children's Fund (UNICEF) with respect to the finalization of the draft Convention of the Rights of the Child, with particular reference to its former article 19, with a view to aligning its text with the provisions contained in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. As a result, two new articles have been elaborated, i.e. article 37 on torture and capital punishment and article 40 on treatment in penal matters. These not only reflect the principles embodied in the Rules, but also take into account their impact world-wide, as well as that of two complementary instruments in the field of juvenile justice, namely, the draft Guidelines of Riyadh and the draft Standard Minimum Rules for Juveniles Deprived of their Liberty.

14. The General Assembly, in resolution 44/25, adopted the Convention on the Rights of the Child at its forty-fourth session.

15. On 24 May 1989, the Economic and Social Council adopted resolution 1989/66, which called upon Member States and United Nations entities to apply the United Nations Standard Minimum Rules, and to provide information thereon to the Secretary-General; it invited them to exchange views and information on their experiences and progress in implementing the Rules, and urged them to provide funds for model projects that promote the principles of the Rules at the national, regional and interregional levels. Work has been started on an updated report for presentation to the Eighth Congress.

(b) Prevention of juvenile delinquency

16. A Seminar on the Prevention and Treatment of Juvenile Delinquency through Community Participation, held at Beijing, China, from 19 to 24 October 1988, sought to promote the implementation of the Rules for the Administration of Juvenile Justice. The Seminar was organized by the Crime Prevention and Criminal Justice Branch, funded by the Department of Technical Co-operation for Development, and hosted by the Ministry of Justice of the Chinese Government. The Seminar noted that the Seventh Congress, by the adoption of the Rules for the Administration of Juvenile Justice, and the General Assembly, by resolution 40/33 of 29 November 1985, had made major advances towards establishing a set of universally accepted principles regarding the protection of the rights of juveniles in conflict with the law. The Seminar adopted recommendations on community-oriented programmes, as well as on measures encouraging de-institutionalization and strengthening co-operation. It also adopted guidelines for follow-up action at the national, regional and international levels, and reviewed the progress made in the implementation of the Rules for the Administration of Juvenile Justice. The report will be made available to the Committee.

5. Exchange of information on crime prevention and criminal justice

(a) International Review of Criminal Policy

17. As requested in Economic and Social Council resolution 1989/64, the study on the question of the death penalty and the new contributions of the criminal sciences to the matter, presented to the Committee at its tenth session, has been published by the Oxford University Press, 4/ in English only,* as a special issue of the International Review of Criminal Policy (No. 38).

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*The French and Spanish translations will be published by the United Nations.

18. A special double issue of the Review (Nos. 39-40), devoted to juvenile justice from an international perspective, is being published. The theme of this issue reflects the progressive evolution of thought and action in Member States, in the United Nations and in the international community as a whole. The contributions cover various aspects of juvenile justice around the world. The issue will serve as background documentation for topic 4 of the Congress.

(c) Crime Prevention and Criminal Justice Newsletter

19. A double issue of the Crime Prevention and Criminal Justice Newsletter (Nos. 16-17), which is being completed, contains a report on the preparatory meetings held for the Congress. The Newsletter also includes reports on the activities of the interregional and regional United Nations institutes.

B. Analysis of crime trends and assessment of crime prevention strategies

1. United Nations surveys of crime trends, operations of criminal justice systems and crime prevention strategies

20. The Secretariat has prepared a technical publication containing an analysis of the results of the Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies. The report also includes comparisons with the data collected in the First Survey. The preliminary results of the Second Survey were brought to the attention of the Seventh Congress in document A/CONF.121/18 and Add.1.

21. The analysis of results of the Third Survey (1980-1985) is nearing completion, and a preliminary analysis will be submitted to the Eighth Congress. It will be published subsequently in an expanded form. The United Nations Institutes, in co-operation with the Crime Prevention and Criminal Justice Branch, will prepare separate regional reports. As a result of a substantive meeting held at the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations in December 1988, and consideration of the topic at the Fifth Annual Joint Meeting on Programme Co-ordination, held at the Arab Security Studies and Training Centre (ASSTC) at Riyadh, Saudi Arabia, in January 1989, a model was developed to be followed by the regional institutes in their reports. It has become evident that descriptive material, in particular, can be analysed and reported more comprehensively at the regional rather than the interregional level.

22. So far, 73 country replies have been received. The lowest response rate has been from developing countries, especially African and Arab States. Despite various efforts made by the Secretariat and the institutes, relatively few extra answers have been forthcoming. This suggests that different strategies may be required in the conduct of the Fourth Survey in order to help the developing countries to respond. The Committee may wish to consider ways and means of increasing the response rate. This will entail some form of technical co-operation to countries requesting it.

2. Development of national and regional criminal justice data bases

23. The Secretariat is preparing a Manual on Electronic Data Processing in Criminal Justice Administration. The first draft will be considered by the Expert Group on the Application of Computers in Criminal Justice, to be hosted by Canada at Ottawa from 27 November to 2 December 1989. The revised draft will be made available to the workshop on computerization to be held at the Eighth Congress. It is expected that the recommendations made at the Congress will assist the Secretariat in updating the draft, which will be issued as a technical publication.

3. Crime and justice information network

24. A crime and justice information network is being developed in pursuance of Economic and Social Council resolution 1989/68, paragraph 10. Its objectives are to facilitate information exchange and interlinkages between policy makers, planners, practitioners, scholars and other experts, as well as national correspondents and research institutions; to ensure a better use of the data base emanating from the world crime surveys; to provide a gateway function permitting the transfer of knowledge, including research results; to link criminal justice documentation centres and libraries throughout the world; and to support the establishment and expansion of computerized national and local criminal justice systems.

25. Information is being provided on legislative reforms, research in progress and research findings, with their potential applicability; summaries of recent reports, monographs and other publications on different aspects of crime prevention and criminal justice; meetings held and planned; organizations and institutions active in the field; and selected bibliographies. A leaflet on the network has been widely distributed. The first issue of a short newsletter, devoted to juvenile justice, has also been issued.

26. Network users are able to communicate using electronic mail, to exchange documents and data, to scan a calendar of relevant events around the world, to search various data bases, to have access to United Nations documents, to obtain up-to-date information on selected issues, to contribute to an "open forum" bulletin, and to interface with other networks. A hard-copy newsletter of the on-line information from the electronic bulletin board will be sent periodically to subscribers. The network is now functioning and the number of subscribers growing, but it is hoped that many more interested agencies and criminal justice institutions will join soon.

27. The network was made possible by the co-operation of the School of Criminal Justice of the New York State University at Albany. The continuing operation, and further development will require the commitment of Member States of the United Nations to maintain it, with a basic minimum investment and ongoing financial support. The returns will greatly offset the modest costs involved. It will not only facilitate the co-ordination of current research and technical co-operation between the Secretariat and the United Nations institutes, but will also help to provide the necessary feedback and information flow between criminal justice agencies and the professional community in both developed and developing countries.

C. Guidelines and standards in crime prevention and criminal justice

1. Implementation of existing standards

28. On the recommendation of the Committee on Crime Prevention and Control at its tenth session, the Economic and Social Council, in its resolution 1989/63 of 24 May 1989, invited Governments to implement fully United Nations standards and guidelines on crime prevention and criminal justice, and made practical proposals to this effect. The Council, on the same date, also adopted resolutions 1989/57 on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; 1989/60 on procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary; 1989/61 on guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials; and 1989/64 on the implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty.

29. The Secretariat is conducting surveys on the question of capital punishment, alternatives to imprisonment and reduction of the prison population, and on the implementation of the Basic Principles on the Independence of the Judiciary and of the Standard Minimum Rules for the Treatment of Prisoners. The reports on these surveys will be presented to the Eighth Congress, together with an up-date of the last survey on the implementation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (E/AC.57/1988/9 and Corr.2). The reports will be transmitted subsequently to the Committee, at its twelfth session, for appropriate follow-up action.

2. Formulation of new standards

30. On the recommendation of the Committee, the Economic and Social Council, in its resolution 1989/65, annex, of 24 May 1989, adopted the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. This significant new international instrument, developed at the initiative and with the assistance of the International Human Rights Committee of the Minnesota Lawyers Association, is of considerable practical relevance to the United Nations crime prevention and criminal justice and human rights programmes. An implementation manual is being prepared.

31. In pursuance of the mandates of the Seventh Congress and of Economic and Social Council resolution 1986/10 of 21 May 1986, work is being finalized on the draft Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), the draft Bilateral Model Treaty on Mutual Assistance in Criminal Matters, United Nations draft Guidelines for the Prevention of Juvenile Delinquency, United Nations draft Rules for the Protection of Juveniles Deprived of their Liberty, draft Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, draft Basic Principles on the Role of Lawyers, draft Basic Principles on the Role of Prosecutors, draft Model Agreement on Transfer of Proceedings in Criminal Matters and draft Model Agreement on Transfer of Supervision of Offenders Who Have Been Conditionally Sentenced or Conditionally Released.

32. The assistance granted to the Secretariat by the International Bar Association, and by the International Commission of Jurists (ICJ) and its Centre for the Independence of Judges and Lawyers, has been invaluable in the elaboration of the draft Basic Principles on the Role of Lawyers. Special mention should be made of the ICJ Conference on the Independence of Judges and Lawyers, held under the auspices of the United Nations at Caracas, Venezuela, from 16 to 18 January 1989, as well as the Strasbourg Conference of the International Bar Association, where a special session was devoted to this draft instrument.

II. TECHNICAL CO-OPERATION ACTIVITIES

A. Interregional advisory services

33. The need for advisory services continued to grow steadily during the period under consideration, as evidenced by the ever-increasing number of requests, as well as by the number of advisory missions. Forty requests were received and 30 were complied with.

34. Between April 1988 and October 1989, the Interregional Adviser visited 30 countries, the regional commissions, and regional and interregional institutes for the prevention of crime and the treatment of offenders of the United

Nations, and intergovernmental organizations working closely with the United Nations, thus providing substantive assistance in the crime prevention and criminal justice field.

35. Advisory services were provided to Argentina, Brazil, China, Costa Rica, Egypt Ethiopia, Kuwait, Malawi, Paraguay, Swaziland, Thailand and Uganda. For the last four months of 1989, were undertaken to Cyprus and Mauritius. The Interregional Adviser also visited Italy, Japan, Spain and the United States of America, in order to obtain support for projects in developing countries.

36. The requests covered ranged from the establishment of national crime prevention councils, lack of access to justice because of poverty, to judicial reform and draft legislation to prevent and combat various forms of international criminality, with special emphasis on drug trafficking. Prison overcrowding and the training and up-grading of the various segments of the crime prevention and criminal justice system have also received continued attention. Advice on how to strengthen the capability of law enforcement agencies and of prosecution and correctional institutions was also provided.

37. The prevention of juvenile delinquency and the problem of street children were considered of paramount importance, especially with drug abuse on the increase, and certain phenomena, such as population displacements and weakening of traditional institutions like the family and the community, aggravating the problem. Accordingly, the main aim has been the formulation of innovative and concrete programmes to offset this situation.

38. In addition, advisory services have sought to foster the application of existing international instruments, such as the Standard Minimum Rules for the Treatment of Prisoners, Basic Principles on the Independence of the Judiciary, Code of Conduct for Law Enforcement Officials and Standard Minimum Rules for the Administration of Juvenile Justice.

39. The relevance of comprehensive legal reforms in increasing equity and social justice was considered in the context of various projects to improve social conditions in developing countries. These approaches are opening new horizons in enhancing the role of law and judicial reform as part of development programmes and activities supported by international organizations.

B. Other activities

40. In pursuance of Economic and Social Council resolution 1988/44, paragraphs 6 and 7, and General Assembly resolution 43/99, paragraphs 8 and 9, the Secretariat has given the utmost importance to strengthening its technical co-operation programme.

41. Consultations were held with potential donor countries in order to expand technical co-operation activities by providing extra-budgetary resources. The Government of Italy provided initial support to the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) for a training course on prison reform, and to Jamaica for the computerization of criminal justice and improvement of prison conditions. The Government of the United Kingdom of Great Britain and Northern Ireland has provided advisory services on probation and prison reform to Malawi and Zambia. The Government of Argentina made available to the Secretariat an expert for one year to help formulate project documents and to provide advice on the treatment of juvenile and drug-addicted offenders. The Government of Austria has made available to the Secretariat a roster of architects and planners of correctional facilities and treatment centres for drug addicts.

42. Consultations have been held with the United Nations Development Programme (UNDP), the World Bank and the Department of Technical Co-operation for Development of the United Nations Secretariat on providing assistance for projects. This Department continues to finance the interregional advisory services; it funded the aforementioned seminar on the prevention of juvenile delinquency through community participation, held at Beijing in October 1988, and is providing financial support for a seminar on corruption, to be held at The Hague in December 1989.

43. The Department has also provided, in response to a request from the Government of Ethiopia, the advisory services of a Canadian consultant. Requests for similar services in the area of crime statistics and establishment of a criminal justice information network have been processed for Nigeria and Paraguay, and there are requests pending from the Philippines and the Republic of Korea.

44. UNDP has provided funds for training activities, such as the national criminal justice workshops in Liberia and Malawi. Projects in Brazil, Cameroon, Ethiopia, Nigeria, Swaziland and Thailand are also under consideration. The new importance attached to social issues and to crime prevention and criminal justice is evident in the technical assistance programmes of the World Bank and among bilateral donors. However, much remains to be done and efforts are continuing to highlight the importance of these areas for development.

45. Consultations were held with the officials of several Member States to ascertain their assistance requirements and to provide information on the services available through the Crime Prevention and Criminal Justice Branch. Prospective projects have been identified for the following: a training course for senior law enforcement officials, with a feasibility study for the establishment of a school for senior police officers in Ghana; the prevention of juvenile delinquency in Botswana; an assessment of crime trends in Mauritius; the collection of criminal statistics in Ethiopia; the treatment of addicts in prison in Argentina; and the rehabilitation of offenders in Zambia. Moreover, in pursuance of General Assembly resolutions 41/149 of 4 December 1986, 42/143 of 7 December 1987 and 43/153 of 8 December 1988, closer collaboration with other entities concerned in the provision of advisory services has been established and joint implementation of training projects in the administration of justice, for example in Ghana and Paraguay, is being undertaken with the Centre for Human Rights.

46. On 9 October 1989 a memorandum of understanding on co-operation in crime prevention and criminal justice was signed in Moscow. This document provides for co-operation with the Centre for Social Development and Humanitarian Affairs of the United Nations, the United Nations Interregional Crime and Justice Research Institute (UNICRI)* at Rome and the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations.

47. Co-operation with non-governmental organizations is being strengthened by the creation of an international council of scientific and professional organizations that will offer assistance to the United Nations in crime prevention and criminal justice. The Government of Italy has pledged extra-budgetary funds for this project, which will also foster the transfer of knowledge and exchange of experience between developed and developing countries. The United

*Formerly, the United Nations Social Defence Research Institute (UNSDRI).

Nations institutes are also involved. The project will be executed jointly with the Centro Nazionale di Prevenzione e Difesa Sociale, at Milan, which is the seat of the Co-ordinating Committee of the major organizations active in crime prevention and criminal justice. In addition, a number of projects to be carried out in co-operation with non-governmental organizations are under consideration. A project proposal has been submitted by the Swaziland Association for Crime Prevention and Rehabilitation of Offenders, for which funding is being sought. In Argentina, a project has been designed to strengthen the supervision and after-care treatment capacity of the Board of Discharged Prisoners, a non-governmental organization that has been helping ex-offenders for more than 80 years.

48. In 1988, UNDP approved a Latin American regional project entitled "Judicial systems and development" (RLA/88/001), proposed by ILANUD, to be executed by the Institute in co-operation with the Department of Technical Co-operation for Development and the Crime Prevention and Criminal Justice Branch. The project is being implemented through a series of pilot and demonstration schemes in Argentina, Costa Rica, Honduras, Peru, Nicaragua and Venezuela, and evaluation seminars are being held upon completion of the successive phases of the project. A number of regional technical co-operation projects are also under consideration. A regional training programme on human rights in the administration of justice for Southern Africa is being considered, and consultations are taking place with the Secretariat of the Economic Community of West African States concerning a subregional treaty on mutual assistance in criminal matters.

C. Co-operation with the United Nations Fund for Drug Abuse Control

49. In view of the shared concerns and objectives, and the wishes expressed by the Committee in this respect, the Crime Prevention and Criminal Justice Branch and the United Nations Fund for Drug Abuse Control (UNFDAC) have undertaken to develop close co-operation through the joint development and implementation of operational projects. Thus, a project for strengthening criminal justice and drug abuse prevention and control in Uganda has been initiated with the support of UNFDAC and UNDP. It covers the training of policemen, judges and prosecutors, as well as the provision of advisory services and equipment. The project for Argentina, concerned with the treatment of drug-addicted prisoners, with particular attention to the problem of the acquired immunodeficiency syndrome (AIDS), would involve joint execution with an Italian non-governmental organization. Additional joint projects are being considered.

D. Co-ordination of crime prevention and criminal justice activities with the interregional and regional institutes for the prevention of crime and the treatment of offenders

50. At the invitation of the Arab Security Studies and Training Center, the Fifth Annual Joint Meeting on Programme Co-ordination was held at Riyadh, Saudi Arabia, from 9 to 17 January 1989. The Meeting provided an excellent opportunity for the Crime Prevention and Criminal Justice Branch, the United Nations institutes ASSTC and the Australian Institute of Criminology to examine modalities of closer co-operation, co-ordination, planning and execution of joint endeavours. The representatives of the institutes and the Secretariat discussed ways and means of synchronizing the institutes' programme activities with those of the Crime Prevention and Criminal Justice Branch, in pursuance of the mandates stemming from the work of the United Nations congresses, the Committee and other United Nations entities.

51. The Meeting discussed a number of priority areas for further action, including the Third Survey, the establishment of the computerized United Nations crime prevention and criminal justice information network, and the practical implementation of United Nations standards in crime prevention and criminal justice. The Meeting recommended the early start of the information network, at least between the United Nations institutes and the Secretariat, pending further extension to interested agencies and institutions. An ad hoc working group met to prepare for the research workshop on alternatives to imprisonment, to be organized by UNICRI for the Eighth Congress.

E. United Nations Trust Fund for Social Defence

52. The General Assembly by resolutions 41/107, paragraph 8, 42/59, paragraph 10, and 43/99, paragraph 7, requested the Secretary-General to revitalize the United Nations Trust Fund for Social Defence, inviting Member States to contribute to the Fund to facilitate the exchange of experience and information and the development of technical co-operation.

53. Contributions to the Fund by the Scandinavian countries have, in the past, been earmarked for the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, whereas the Governments of Belgium, Italy, Switzerland and Yugoslavia have earmarked their contributions for UNICRI. In 1988, contributions for UNICRI amounted to $US 1,211,988; in 1989, contributions have been received for $US 27,244 and pledges have been announced for this year for $US 1,245,000.

54. The support of Member States also includes financial and contributions in kind to the regional institutes. Thus, a number of African Governments have pledged support for the newly established United Nations African Institute for the Prevention of Crime and the Treatment of Offenders; the other regional institutes receive considerable assistance also, particularly from the Governments of the host countries. Compared to 1985, the annual financial support provided by the Government of Japan for United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) has grown by more than 20 per cent. UNAFEI is also carrying out joint activities with ILANUD, and a number of training courses on drug abuse prevention and control are being organized with funding from the Japanese International Co-operation Agency (JICA). Since 1986, the Government of Japan has loaned a regional adviser to the Economic and Social Commission for Asia and the Pacific (ESCAP), and has also supported UNICRI by the services of a professional officer.

55. In addition to its pledged contribution to the United Nations of $US 620,000 for the establishment of an international advisory council, the Government of Italy is providing a junior professional officer to help with the preparations for the Eighth Congress. Other Governments are co-operating with the Secretariat through ad hoc assignments of their nationals and other forms of assistance on specific projects.

56. It should be noted that the regional preparatory meetings for Asia and the Pacific, and Latin American and the Caribbean, recommended that Member States use the occasion of the Eighth Congress to announce contributions to the United Nations Trust Fund for Social Defence during a "Pledging Day" to be designated by the Committee on Crime Prevention and Control.

III. PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 AND PROPOSED MEDIUM-TERM PLAN FOR THE PERIOD OF 1992-1997

57. The proposed programme budget for the biennium 1990-1991 (A/44/6, section 8, subprogrammes 9-11), prepared on the basis of the medium-term plan for the extended period 1984-1991, as well as the recommendations of the Committee and the congresses, was adopted by the General Assembly at its forty-fourth session.

58. Information concerning the preparation of the proposed medium-term plan for the period 1992-1997 was contained in the progress report submitted to the Committee at its tenth session (E/AC.57/1988/2, paras. 44-48). Further to the recommendations by the Committee on Programme and Co-ordination (A/43/329), the General Assembly, in its resolution 43/219 of 21 December 1988, invited, inter alia, the intergovernmental bodies to consider, in 1989, the pertinent portions of the proposed medium-term plan. Accordingly, the draft programme on crime prevention of the medium-term plan for the period 1992-1997 was submitted last August to the members of the Committee on Crime Prevention and Control for review. After consultations with the specialized agencies, the revised draft of the medium-term plan will be issued by mid-March 1990 for consideration by the Committee on Programme and Co-ordination, the Advisory Committee on Administrative and Budgetary Questions (April/June 1990), and the Economic and Social Council (July 1990) for final submission to the General Assembly at its forty-fifth session.

IV. SUMMARY OF ACTIVITIES OF THE UNITED NATIONS INTERREGIONAL AND REGIONAL INSTITUTES FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

A. United Nations Interregional Crime and Justice Research Institute

59. The period covered in this report represents an important stage in the evolution of the Institute. In May 1989, upon the recommendation of the Committee on Crime Prevention and Control, the Economic and Social Council, by its resolution 1989/56, approved a statute transforming the United Nations Social Defence Research Institute into the United Nations Interregional Crime and Justice Research Institute. The statute ratified the expansion and diversification of the Institute's activities that had been taking place, especially in response to the needs of developing countries. Accordingly, it updated the Institute's terms of reference and modus operandi.

1. Regular research programme

60. The Institute continued to give considerable attention to the preparation of the Research Workshop on Alternatives to Imprisonment, to be held in 1990 as an integral part of the programme of the Eighth Congress. An expert group meeting was held on 19 January 1989, within the framework of an International Co-operation Week on Crime Prevention, organized at Riyadh from 16 to 19 January by ASSTC. The meeting noted that the preparatory work was proceeding satisfactorily. The Institute continues to receive excellent support and co-operation for this activity from the Crime Prevention and Criminal Justice Branch, the regional institutes for the prevention of crime and the treatment of offenders, ASSTC, the Australian Institute of Criminology and the National Institute of Justice of the United States. UNICRI is also completing a report on research trends, together with an international bibliography on alternatives to imprisonment, from 1980 onwards.

61. The Institute, at the request of the Crime Prevention and Criminal Justice Branch, is assisting in the collection and analysis of the data related to the African component of the Third Survey (1980-1986). UNICRI will also collaborate with the Branch in the global analysis of the results of the Third Survey.

62. The pilot project on "Crime and development" in Yugoslavia continued to make good progress. The project will be completed in 1990, and an interim project report will be informally distributed at the Eighth Congress.

63. Progress was also made on a joint UNICRI/ILANUD project on the "Development of children's courts in Latin America: trends and perspectives". The results of the project's first phase will be published.

64. A project on the management of mentally ill offenders, to be undertaken jointly with the World Health Organization (WHO) and the Department of Justice of a co-operating donor country, was reformulated during the period covered by this report. The Institute also completed basic preparatory work for a project on alternative policing and crime control, which will deal with issues raised by the phenomenon of private policing, and a project on environmental crimes, sanctioning strategies and sustainable development.

2. Research seminars and meetings

65. UNICRI joined ASSTC in initiating preparatory work for the Fifth Joint International Conference on Research in Crime Prevention, to be held at Riyadh, in January 1990. The Conference will focus on the Arab contribution to the Eighth Congress and on strengthened inter-institute and Branch co-operation between institutes and between institutes and the Branch.

66. Preparatory work was also undertaken for an international seminar on economic crime and socialist criminal justice systems, to be held at Popowo, Poland, in May 1990, with the substantive and financial collaboration of the Polish Ministry of Justice, the Research Institute of Judicial Law and the Social Defence and Resocialization Institute, University of Warsaw.

3. Technical assistance and training

67. Field activities for social rehabilitation and economic development at the El-Katta prison in Egypt were started, as was a pilot project on street children in Argentina and Uruguay, both of which are being financially supported by the Government of Italy and the recipient Governments. The Italian Government has also agreed to finance a project on social change and criminality in Tunisia: research and training, field activities for which will start in January 1990.

68. At the request of the Cuban Government, UNICRI organized, at Havana, a seminar on criminological research methodology. The experience gained there has been used by the Institute to formulate a training programme for criminologists, to be implemented at the interregional and national levels in interested developing countries.

69. At the end of August 1989, the Institute completed preparations for "Human rights and judicial inquiry: a training course in techniques of inquiry and investigation", which took place at Castelgandolfo (Rome) in September 1989. The course was organized jointly with the Centre for Human Rights of the United Nations and sponsored by the Government of Italy.

70. Preparatory work is also at an advanced stage for a training and information seminar on the administration of justice and democratic development in Italy and Latin America, to be held at Santo Domingo, from 24 November to 8 December 1989. This joint undertaking of UNICRI, ILANUD and the International Association of Judges is being financed by the Italian Government.

4. Publications, library and documentation services

71. Further volumes were issued in the series entitled "Criminology in the developing world". The volume on Latin America is nearly completed, and work on a volume on Africa started. The preparation of a fifth edition of the World Directory of Criminological Institutes was also undertaken. Arrangements have been made with WHO for the production of a joint WHO/UNICRI book based on the contributions made at an international symposium on mental health and deviance in inner cities, held at Naples in June 1988. Consultations began with the Institute of State and Law, Academy of Sciences of the Union of Soviet Socialist Republics, for the publication by UNICRI of a new book on Soviet criminology. Two offers have been received from Soviet publishers: the first, to publish in Russian an abridged version of Analysing (In)formal Mechanisms of Crime Control (UNICRI publication No. 31); and the second, to publish in Russian an excerpt from The Death Penalty (publication No. 12).

72. The Library and Documentation Service continued to grow during this period. The automation of the library catalogue and its incorporation in the network of the Electronic Documentation Centre of the Italian Supreme Court has been impiemented to the extent of approximately 10,000 titles.

5. Other activities

73. A ceremony to observe the twentieth anniversary of the Institute's founding was held at Rome on 25 October 1988 in conjunction with the ninth meeting of the ad hoc Advisory Group on the Institute's work programme and directions. A special publication, UNSDRI 1968-1988, which provided a historical account of the evolution of the Institute, was distributed.

B. United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders

1. Regular training programme

74. As part of its regular programme, UNAFEI conducted three international training courses and one international seminar, with a total attendance of 110 participants from 33 countries.

75. The Seventy-ninth International Training Course on the search for the solution of the momentous and urgent issues in contemporary corrections was held from 18 April to 9 July 1988, and attended by 26 participants from 15 countries.

76. The Eightieth International Training Course on the quest for effective international countermeasures to pressing problems of transnational criminality was held from 5 September to 25 November 1988, and attended by 27 participants from 16 countries.

77. The Eighty-first International Seminar on the advancement of the integration of the criminal justice administration was held from 6 February to 11 March 1989, and attended by 30 participants from 21 countries. It discussed selected issues of special concern to each component of the criminal justice system.

78. The Eighty-Second International Training Course on innovative measures for effective and efficient administration of institutional correctional treatment of offenders was held from 17 April to 6 July, and attended by 29 participants from 15 countries.

2. Regional joint seminar

79. UNAFEI held a joint seminar in co-operation with the Government of the Philippines from 5 to 16 December 1988, with the participation of 188 Philippine officials and five UNAFEI staff members. It was designed to provide government officials with an opportunity of discussing with UNAFEI staff problems in various areas of criminal justice administration, and to contribute to the improvement of national policy and administration of criminal justice.

3. International expert meetings

80. UNAFEI held two international expert meetings, as follows:

(a) The Meeting of Experts on the United Nations Draft Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) was held at Fuchu, Japan, from 13 to 15 July 1988, and was attended by 23 experts;

(b) The Expert Group Meeting on Adolescence, Crime and Crime Prevention in the ESCAP region, organized jointly by UNAFEI and ESCAP in co-operation with the Government of Japan, was held at Fuchu, Japan, from 3 to 10 August 1989, and was attended by 21 experts.

4. Research activities

81. In addition to collecting data from the participants during the international training courses and seminars, UNAFEI conducted a special research project on the treatment of offenders in the major countries of the Asia and Pacific region, and measures to improve it. UNAFEI collected statistics and other pertinent information on every stage of criminal justice administration, and thoroughly analysed and compared them as a basis for promoting more effective criminal justice administration in the region.

5. Publications

82. UNAFEI published two issues of its Resource Material Series (Nos. 32-33) and four Newsletters (Nos. 66-69).

C. United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders

83. ILANUD conducted a study tour, two training courses and an expert group meeting; in addition, it organized a meeting of Supreme Courts presidents.

The study tour to analyse the criminal justice administration took place from 11 to 22 April 1988 in several states of the United States. Thirteen judges of the Latin-American region attended the meeting.

The Regional Course on Public Defence Systems was held at ILANUD headquarters from 22 August to 2 September 1988, and was attended by 26 official defenders or professionals related to the Public Defenders Office.

The Meeting of the Presidents of the Supreme Court of Latin America and the Caribbean was held from 30 November to 2 December 1988, at San José, Costa Rica, and was attended by 15 presidents of the supreme courts of the region.

The Regional Course for the Public Prosecutors Office was held from 3 to 14 April 1989 at Lima, Peru, and was attended by 28 participants from the region.

The Expert Group Meeting of the Inter-Aamerican Commission for Drug Abuse Control was held from 30 May to 2 June 1989, at San José, Costa Rica, and was attended by 40 experts from the region.

1. Seminars and workshops

84. ILANUD held regional and national seminars and workshops at its headquarters and in several countries of the region for participants from countries of the region.

The Subregional Seminar for the Andean Countries on Training and Research on the Rights of the Juvenile and the Child vis à vis the Criminal Justice Administration was held from 25 to 29 April 1988 at Bogota, Colombia, and was attended by 41 Government officials in charge of prevention and treatment programmes for juvenile delinquents.

The Graduate Course on Penal Law and Penology was held at Madrid, Spain, from 6 June to 15 July 1988, and was attended by 26 jurists and government officials from Latin American countries.

The First Regional Workshop on Training for Human Resources in the Justice Administration was held from 31 October to 4 November 1988 in San José, Costa Rica, and was attended by 25 officials working on the training of criminal justice personnel.

The Regional Seminar on Alternatives to Remand was held from 14 to 18 November 1988 in Tegucigalpa, Honduras, and was attended by 26 officials of the penitentiary system.

The Regional Workshop on Crime Statistics was held from 8 to 10 December at Santo Domingo, Dominican Republic, and was attended by 41 members of the Supreme Courts, procurators, judges and penitentiary personnel.

The Expert Meeting on Popular Legal Education was held from 9 to 13 January 1989 at San José, Costa Rica, and was attended by 12 experts from Costa Rica, Honduras and the Dominican Republic and by members of the Supreme Court and the Secretary of Education of Costa Rica.

The Regional Seminar on Effective Measures to Combat Drug Offences and Upgrade the Criminal Justice Administration was held from 6 to 17 March 1989 at ILANUD headquarters at San José, Costa Rica, and was attended by 21 law professors and high-level officials.

The Second Regional Workshop on Training for Human Resources in the Administration of Justice was held from 22 to 26 May at San José, Costa Rica, and was attended by 21 public officials.

The Study Tour and Regional Seminar on Penitentiary Systems in Latin America was held from 5 to 17 June, 1989, at Rome, Italy, and was attended by 27 officials of the region.

The Seminar on the Administration of Juvenile Justice in Latin America: Trends and Perspectives was held from 21 to 25 August 1989 at San José, Costa Rica, and was attended by 10 experts on the rights of the child, criminologists and officials concerned with the treatment of juveniles in Latin America.

85. Thirty-four national courses and seminars were organized by ILANUD and were attended by approximately 1,830 judges, prosecutors, prison personnel, law professors, sheriffs, judges and other public officials from the region. The courses covered a large number of subjects: public prosecution, evaluation of the functions of a Justice of Peace, law reform, agrarian law, penal procedure, statistics, criminal justice reform and crime prevention planning.

2. Technical assistance

86. A regional project on assistance to the criminal justice system and human rights (RLA/88/001) is being financed by UNDP and executed by the Department of Technical Co-operation of the Secretariat. The Crime Prevention and Criminal Justice Branch backstops and monitors project implementation. The project is divided into two programmes: (a) penitentiary systems and alternatives to imprisonment and (b) delinquency and the juvenile justice system. Each programme is composed of pilot or demonstration projects, as well as national or regional seminars and evaluation workshops.

87. Programme (a) includes "Legal assistance to prisoners under critical poverty conditions", in Venezuela; "Reduction of the prison population", in Costa Rica and Peru; "Regional seminar on alternatives to preventive imprisonment", held in Honduras in November 1988; "Seminar on release on personal recognizance", in Costa Rica, and the publication of research results.

88. Programme (b) includes "Assisted freedom for juveniles", in Argentina; "Protective measures for juvenile drug users", in Venezuela; "Subregional seminar on delinquency and juvenile justice systems", in Colombia; "National seminars on the rights of juveniles vis à vis the administration of justice", in Argentina, Guatemala and Nicaragua.

89. National projects on strengthening the criminal justice system were formulated for Costa Rica, Guatemala and Honduras during 1988. In 1989, ILANUD concluded a number of co-operation agreements with Bolivia under which ILANUD will undertake a series of studies for the judiciary and the Office of the Public Prosecutor. At the request of the Government, a similar proposal is being prepared on the needs and problems of the criminal justice administration and possible reform of the penal procedure of Ecuador.

90. The experience acquired in the Dominican Republic through a technical co-operation project on criminal justice records and statistics enabled ILANUD to assist Honduras in May 1988, Nicaragua in September 1988 and Guatemala in July 1989 in the preparation of similar project proposals. Another project started in October 1988 in Guatemala. Its aim is to establish a criminal justice information system for the judiciary.

91. A research project was undertaken in Costa Rica during 1988 to study the filing system and criminal justice records of the judiciary, and a report and recommendations were issued. In November 1988, at the request of the Supreme

Court of Nicaragua, two projects were prepared to strengthen and update the criminal justice information system and the legislative records, and to reform the penal procedure. Both proposals were presented to several agencies for funding.

92. Two pilot technical co-operation projects, one in Guatemala and another in Costa Rica, have focused on the updating of court records.

93. In collaboration with UNICRI, ILANUD has started a study of the improvement and reform of the juvenile courts in Argentina, Colombia, Costa Rica, Guatemala, Uruguay and Venezuela.

3. International co-operation

94. The Institute hosted and helped to service the Latin American and Caribbean Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders at its headquarters, from 8 to 12 May 1989.

95. An agreement was concluded with the International Co-operation Agency of the Government of Japan and UNAFEI in 1988 in order to implement a five-year project for the analysis of the problems related to the production of illicit crops, drug-consumption, illicit drug-trafficking and money laundering. It includes the organization of two seminars, training, provision of equipment and collection of the existing information on drugs in 15 countries of the region.

96. Another agreement was concluded between UNFDAC and ILANUD to start the implementation of a community project for preventing drug abuse in Costa Rica.

97. Within the framework of the agreement concluded with the University of Rhode Island, ILANUD started a joint project in Ecuador on the improvement and application of marine environmental law. A manual on this subject will be published shortly.

98. Furthermore, ILANUD finalized an agreement, in 1988, with the Inter-American Commission for Drug Abuse Control of the Organization of American States, according to which ILANUD will provide training for criminal justice personnel on illicit drug-trafficking and improvement of the criminal justice system. ILANUD has also collaborated with the Commission in the design and organization of an Inter-American Information Network on Drugs.

99. Other agreements were signed with the Central University of Venezuela, the Colombian Institute of High-Level Education, the Secretary of Justice, and the Secretary for Human Development and the Family of Argentina, the Ministry of Justice of Cuba, the University of Cadiz, Spain, and the University of Cuenca, Ecuador.

4. Publications

100. ILANUD has continued to publish the quarterly Boletin Informativo de ILANUD; a publication called ILANUD, describing the objectives, programmes, services and structure of the Institute; a brochure called ILANUD, condensing this information; and Programas y Proyectos, describing current programmes and projects of the Institute, its experiences and perspectives.

101. ILANUD has also published teaching-aids and manuals for justices of the peace. Within the framework of the project with the Dominican Republic, a publication will be issued at the beginning of October 1989, including information on the period April-September 1988. A publication covering other periods will follow immediately. Two issues of "Jurisprudencia critica" have already appeared in Costa Rica and the third will soon be published. A special document on delinquency prevention and juvenile justice in Latin America will be issued in October.

D. Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations

1. Seminars and meetings

102. A project on crime prevention was begun in response to a recommendation by the First Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Its purpose is to gather information on crime prevention measures that have been or are being carried out in European and North American countries. The report will be submitted to the Congress in the form of a handbook with global applicability.

103. HEUNI is analysing the European and North-American replies to the Third Survey (1980-1985). A working group of nine experts from Europe and the United States of America has been formed.

104. A handbook for practitioners on the implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power is being prepared. The final project will be submitted to the Committee and to the Eighth Congress.

105. Twelve experts met at Helsinki from 17 to 20 November 1988 to review victim-related policies in European and North American countries. The report of this meeting will appear in the HEUNI series as publication number 16.

106. The Government of Finland hosted the European Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held from 24 to 28 April 1989. The practical arrangements were made by HEUNI.

107. A course on United Nations criminal policy was organized at Helsinki, from 23 to 28 April 1989, to coincide with the Regional Preparatory Meeting. Eleven junior practitioners and post-graduate students from as many countries were invited to participate.

108. HEUNI has co-operated with the Henry Dunant Institute of the International Red Cross and the International Centre of Sociological, Penal and Penitentiary Research and Studies at Messina on the organization of the Joint Seminar for the Heads of European Prison Administrations, held in November 1989.

109. HEUNI is planning a seminar on crime prevention strategies, to be organized jointly with the Ministry of Internal Affairs of the Union of Soviet Socialist Republics in early 1990.

2. Preparations for the Eighth Congress

110. HEUNI assisted the Crime Prevention and Criminal Justice Branch in substantive preparations for the Eighth Congress, both by initiating the above-

mentioned projects and by drafting various documents and co-ordinating preparations for a workshop on computerization of criminal justice systems, scheduled for the Congress. HEUNI has co-operated closely with UNICRI in the organization of a second workshop, on non-custodial sanctions, also scheduled for the Eighth Congress.

3. Information services

111. HEUNI has been involved in the development of the global information system on crime and criminal justice. One staff member works on a full-time basis. HEUNI is also actively participating in the development of another information network in the field, the International Crime Prevention Information Network based in the Netherlands.

112. The work of arranging and indexing the internal library holdings of HEUNI is well under way. The computerization of the library is based on the Australian adaptation of the INMAGIC programme.

4. Ad hoc experts

113. HEUNI receives annually financial contributions from the Scandinavian countries, which are used, inter alia, to obtain the services of ad hoc experts. During the period under review, these experts came from Australia, Hungary, the Netherlands, Poland, Sweden and the United Kingdom of Great Britain and Northern Ireland.

5. Other international activities

114. Each year, HEUNI provides scholarships for junior practitioners and post-graduate students in criminal policy interested in visiting the Institute for a short period. In 1988-1989, nine such scholarships were granted to applicants from six countries.

6. Publications

115. Two publications were issued by HEUNI:

No. 14. Non-custodial Alternatives in Europe, prepared by Norman Bishop (second printing)

No. 15. Alternatives to Imprisonment: Proceedings of a European Seminar.

E. United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders

116. At the fourteenth session of the Conference of Ministers of the Economic Commission for Africa (ECA), held at Niamey, Niger, from 14 to 18 April, 1988, Uganda was selected as the host country. During the session, the statute of the Institute was adopted, and on 23 May 1988, Uganda was the first country to sign it. Since then, 23 countries have signed the statute, namely, Burundi, Congo, Egypt, Equatorial Guinea, the Gambia, Ghana, Guinea, Libyan Arab Jamahiriya, Morocco, Mozambique, Niger, Nigeria, Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Tunisia, United Republic of Tanzania, Zaire, Zambia and Zimbabwe.

117. The inaugural meeting of the Governing Board of UNAFRI was held at Kampala from 14 to 15 June 1989. The meeting, which was opened by the President of Uganda, approved the programme of work and programme budget of the Institute for 1989-1993, and considered various administrative and financial matters. The meeting also approved a project document for financing by UNDP, in accordance with the recommendations contained in Economic and Social Council resolutions 1989/59, as proposed by the Committee. The Agreement with the host country was signed on 15 June 1989.

118. The First Extraordinary Meeting of the Governing Board of UNAFRI was held at ECA Headquarters, Addis Ababa, on 13 August 1989. The Meeting, upon the recommendation of an ad hoc interviewing panel, appointed Professor Femi Odekunle, from Nigeria, as the Director of the Institute and Professor E. P. Kibuka, from Uganda, as Deputy Director.

119. The Meeting examined the progress made towards approval of the UNDP project. This has been recommended by the UNDP Project Appraisal Committee for adoption by the UNDP Action Committee, under the following conditions:

(a) African Governments would be expected to finance counterpart posts from the third year of the project, to work alongside the UNDP funded advisers through the fourth year, in respect of the posts of research, training, information/documentation and finance/administration;

(b) The full counterpart budget for the first four years should be prepared and incorporated into the project document;

(c) The Department for Technical Co-operation and Development of the United Nations Secretariat and the Centre for Social Development and Humanitarian Affairs at Vienna should be associated agencies for the project, subject to consultations after approval of the project document by the UNDP.

120. The Meeting also examined the financial contributions by Member States and the facilities and financial contributions to be provided by the host country. The great importance of timely payment of assessed financial contributions was stressed, so that the Institute could begin on a sound footing.

121. The Institute will concentrate its activities on training, research and the collection and dissemination of information, as well as advisory services to Governments. On the basis of an assessment of the needs and priorities of the countries of the region, major emphasis will be placed on the study of juvenile delinquency, economic and commercial crime, corruption and bribery, violence against persons, and drug abuse and trafficking. Intensive training programmes are to be undertaken for criminal justice and related personnel, at all levels, as well as comprehensive, systematic crime statistics and data collection, processing and analysis. Technical co-operation between African countries will also be promoted with a view to developing joint strategies to meet common problems. The Institute is expected to fill the existing lacunae in the region by encouraging Member States to work out mechanisms for mutual assistance.

F. Co-operation with the Arab Security Studies and Training Centre

122. ASSTC continued to collaborate with the Branch and the United Nations institutes in preparations for the Eighth Congress. It participated in the following meetings: the Interregional Preparatory Meeting on topic 4 of the Eighth Congress, held at Vienna from 18 to 22 April 1988, which adopted the

Guidelines of Riyadh for the Prevention of Juvenile Delinquency; the Expert Meeting on the Analysis of Data of the Third International Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, the Western Asia Regional Preparatory Meeting, held at Cairo from 27 to 31 May 1989 and the African Regional Preparatory Meeting, held at Addis Ababa from 5 to 9 June 1989. The Centre contributed three papers:

Juvenile delinquency and deviant behaviour
The rights of the child and juvenile in Islamic sharia.
Social structure and protection of juveniles against delinquency in the Arab region.

123. The Centre hosted three important international meetings from 16 to 19 January 1989:

(a) The Meeting of the Sub-Committee of the Committee on Crime Prevention and Control convened, in pursuance of resolution 10/1 of the Committee, from 18 to 19 January 1989. It was attended by the Members of the Bureau of the Committee and other designated experts, as well as by the directors of the United Nations institutes, ASSTC and the Australian Institute of Criminology. The Meeting focused attention on substantive, organizational and structural aspects of the United Nations programme on crime prevention and criminal justice;

(b) The Fifth Co-ordination Meeting of the United Nations regional institutes and ASSTC, also attended by the Australian Institute of Criminology;

(c) The Expert Meeting on the Progress of the International Survey on Alternatives to Imprisonment. The Meeting was attended by the 10 experts entrusted with conducting the Survey. During the Meeting, reports on the progress of surveys from different regions of the world were discussed. The Centre presented two reports: the first on the survey on alternatives to imprisonment in Arab countries; and the second, a case-study on Diyya legislations and applications in Saudi Arabia.

124. The Centre took part in the ceremonies of the International Day against Drug Abuse and Illicit Drug Trafficking, organized at Vienna, on 26 June 1989, and attended the Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, held at Vienna, from 25 November to 20 December 1988, as well as an expert meeting organized by the Division of Narcotic Drugs in Gambia, on 13 March 1989.

125. The Centre organized at its headquarters a scientific symposium on drug control, on the occasion of the Annual International Day against Drug Abuse and Illicit Trafficking, on 26 June 1989. This was attended mainly by drug law enforcement personnel.

126. The Centre has also continued to collaborate with international societies and organizations concerned with crime prevention all over the world. It was in this context that the Centre participated in the Tenth Meeting of the International Society for Criminology, held at Hamburg, from 4 to 9 September 1988 and presented four papers.

127. Preparations are being made by the Centre in co-operation with UNICRI, the Crime Prevention and Criminal Justice Branch, other United Nations institutes and representatives of Arab ministries of interior, of justice and of social affairs for the Fifth Joint International Conference on Crime Research, to be held at Riyadh from 15 to 17 January 1990. The Centre has entrusted a

group of experts to prepare papers on the five topics included in the agenda of the Eighth Congress.

G. Co-operation with the Australian Institute of Criminology

128. The Australian Institute of Criminology was established, together with the Criminology Research Council, in 1971, and is funded by the Australian Government. It carries out policy-related research, training and information dissemination for national authorities as well as for criminal justice bodies in the states of Australia. Pursuant to a Memorandum of Understanding, which was signed during the reporting period, the Australian Institute is recognized as one of the institutions co-operating in the United Nations programme in crime prevention and criminal justice. The Australian Institute will, inter alia, provide advice on the implementation of the programme of the Crime Prevention and Criminal Justice Branch and participate in seminars, training courses and other meetings.

129. The Board of Management of the Australian Institute has also agreed to enter into a formal arrangement with UNICRI to co-operate in the following manner:

(a) To exchange information regularly on current and future activities, as well as other relevant information in the field;

(b) To designate scholars who will be hosted and assisted by UNICRI to undertake studies, in pursuance of the existing mandates and in the framework of ongoing work programmes;

(c) To provide UNICRI, upon request, with information and assistance in research and other activities related to Australia and other countries of the region, in the context of the existing mandates and framework of the work programmes;

(d) To co-sponsor or organize jointly with UNICRI research activities and meetings with international impact falling within their irrespective mandates;

(e) To meet frequently with UNICRI to discuss concrete prospects, sectors and specific topics of co-operation;

(f) To identify and pursue other forms of co-operation in the light of evolving needs and experiences.

130. A three-year project, entitled "Environmental crimes, sanctioning strategies and sustainable development", has been proposed by UNICRI with the involvement of the Institute in studying environmental crimes. Data from about ten countries will be collected and analysed, focusing on the need to develop strategies to reduce pollution crimes in developing countries.

131. A working paper on Australian alternatives to imprisonment was prepared and presented to a working group at Riyadh, co-ordinated by UNICRI.

132. The Institute is expected to play a significant role, together with UNAFEI, in collecting data and statistics for Asia and the Pacific. It will also provide advice on implementing United Nations crime prevention and criminal justice programmes in that area.

133. The Institute co-operated closely with HEUNI, in the use of the INMAGIC data base software for the HEUNI library. As a result, HEUNI and the Institute are now able to exchange information using this common data base soft-ware.

Notes

1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 6 (A/42/6), sect. 6.

2/ Official Records of the Economic and Social Council, 1988, Supplement No. 10 (E/1988/20), chap. I, sect. A.

3/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985 (United Nations publication, Sales No. E.86.IV.I), part one, chap. I, sect. A.

4/ Roger Hood, The Death Penalty. A World-wide Perspective (Oxford University Press, 1989).

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IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Report of the Secretary-General

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INTRODUCTION

1. The Economic and Social Council, in its resolution 1986/10 (III) of 21 May 1986, recommended that continued attention should be given to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders 1/ and by the General Assembly in its resolution 40/34 of 29 November 1985. The Council also requested the Secretary-General to submit to the Committee on Crime Prevention and Control, at its tenth session, and at its eleventh session if it occurred before the Eighth Congress, a report on measures taken to implement the Declaration, including progress achieved since the Seventh Congress. The first report (E/AC.57/1988/3) was, accordingly, submitted in 1988 and the second one is submitted herewith.

2. On the recommendation of the Committee on Crime Prevention and Control at its tenth session, the Economic and Social Council adopted resolution 1989/57 of 24 May 1989 recommending the preparation, publication and dissemination of a guide for criminal justice practitioners and others engaged in similar activities, taking into account the work already carried out.* With the co-operation of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, a draft guide for practitioners on the application of the Declaration was prepared. A working group of experts, including two members of the Committee, met in London on 23-24 November 1989, with the support of the Home Office, to finalize the draft guide (E/AC.57/1990/CRP.1).

3. In conjunction with the Fourteenth International Congress on Penal Law, a meeting was convened at Vienna on 4 and 6 October 1989, and attended by 30 experts from 18 countries of all regions, who made proposals on international means for preventing the abuse of power and providing redress for the victims where national channels might be insufficient.

4. The regional and interregional preparatory meetings for the Eighth Congress, which considered the implementation of the Declaration under different topics of the provisional agenda for the Eighth Congress, made recommendations, 2/ and in the case of the Western Asia Regional Preparatory Meeting, a draft resolution was formulated for adoption by the Eighth Congress, which is before the Committee (E/CONF.144/RPM.4, resolution 2). An ad hoc expert group meeting was held at the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, from 17 to 20 November 1988. 3/ An International Symposium on Law Enforcement and the Human Rights of Victims, which was organized by the Government of Egypt and held at Cairo in January 1989, adopted a resolution in pursuance of the Declaration. Several other recent international meetings dealt with some aspects of the subject-matter: their conclusions are reflected in the present report.

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*In particular, the procedures for the effective implementation of the Declaration, which were prepared by an ad hoc Committee of Experts convened at the International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy, in 1986, and endorsed by an international symposium on crime prevention and criminal justice held at Milan in 1987.

I. ACCESS TO JUSTICE AND MEANS OF RECOURSE

5. While there has been substantial progress in certain countries in improving the situation of victims of crime in the criminal justice process in recent years, much remains to be done. The development of guidelines and the exchange of experience is helping to improve the status of victims in the administration of justice. 4/

6. If the victim of conventional crime has often been a forgotten party in criminal proceedings, the possibilities of recourse and redress for a victim of the abuse of power have been still more limited. Although most States have included protective provisions and an indication of possible remedies in their national constitutions or other legislative texts, there is frequently a gap between these stipulations and actual practice. Signs of progress are nevertheless evident in the increased awareness and more vocal articulation of claims to exercise certain basic rights. Yet, if there is little knowledge among the general population of the domestic means of recourse and procedures for obtaining possible redress, there is even less awareness of the international mechanisms that might be used. A public information campaign, linked to the fortieth anniversary of the adoption of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III) of 10 December 1948), has sought to increase knowledge of the instruments and procedures.*

A. International mechanisms

7. International supervision of the domestic implementation of human rights instruments relies largely on reporting provisions as is the case with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Procedures for complaints and appeals directed to the United Nations exist primarily in the framework of its human rights mechanisms. The Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities may appoint Special Rapporteurs, special representatives, commissions of inquiry or groups of experts, or set up working groups, in order to examine the situation of a State deemed to be violating human rights, or to deal with violations of a specific human rights norm.** Complaints from individuals or non-governmental organizations under the jurisdiction of any of the States Members of the United Nations may be submitted to these entities and can also be examined under the procedure established by the Economic and Social Council, in its resolution 1503 (XLVIII) of 27 May 1970, which brings to the attention of the Commission on Human Rights, through the Sub-Commission, communications indicating "a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms".

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*The inclusion of the Declaration in Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. G.37, is a recognition of its importance and should foster the application and observance of its provisions.

**These entities deal, for example, with arbitrary or summary executions, enforced or involuntary disappearances, torture, slavery, religious or other discrimination (e.g. against women), rights of the disabled, indigenous populations, states of siege or emergency (when basic rights tend to be derogated or suspended), and with the situation in certain countries.

8. The international mechanisms that can be invoked in cases of complaint and appeal against acts of torture, disappearances and other inhuman or degrading treatment have been detailed in a Practical Guide, prepared by the World Organization against Torture, which contains information on the names, mandates, composition, persons or bodies to whom complaints may be addressed. 5/ Persons under the jurisdiction of a State party to the Optional Protocol to the International Covenant on Civil and Political Rights, 6/ or those acting on their behalf, who have exhausted all domestic remedies, can address their complaints to the Human Rights Committee for alleged violations of the Covenant. Complaints from persons who claim to be victims of torture, in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 7/ can also be submitted to the recently constituted Committee against Torture, which can investigate allegations of its systematic practice, including an on-site visit with the agreement of the State concerned. The Special Rapporteur to examine questions relevant to torture, who reports to the Commission on Human Rights, also receives requests for urgent action, which are brought to the attention of the Government concerned. The Working Group on Enforced or Involuntary Disappearances receives and examines reports of disappearances submitted by relatives or friends of missing persons or by human rights organizations acting on their behalf.

9. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recognizes the principle of universal jurisdiction for its infringements, which, at least in principle, implies the establishment of an international criminal court. Moreover, the existence of international crimes in violation of international law, as embodied in United Nations conventions, especially the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III), annex), the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII), annex), and the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex), give legal expression to basic moral standards.* 8/ As the public prosecution of acts proscribed by national laws is justified by their being against the community's interests, so practices infringing international instruments or norms can be said to contravene the general public good. It has been suggested that basic human rights, which have universal relevance, may eventually be guaranteed by transnational institutions rather than nation States. This would not only involve infringements of international law, but also of the growing body of transnational law and norms that transcend national frontiers and represent the collective human conscience.**

*Other such crimes have also been identified, for example, cultural genocide and barbarity.

**It has been noted that, while international law is primarily of and for States, the term "transnational law" recognizes a multiplicity of objects of the law, both internal and external to the limits of nation States, including a variety of transnational situations that may involve individuals, society, groups of States, intergovernmental and non-governmental organizations (Renato Treves, "Diritti umani e sociologia del diritto", and William M. Evans, "Diritti umani, stato nazione e diritto transnazionale", in Sociologia del Diritto (Milan) vol. XVI, No. 1 (1989), pp. 7-14 and 37-51, respectively).

10. While the human rights procedures of the United Nations provide a mechanism for recourse against violations of basic rights enshrined in internationally agreed instruments, they have some limitations in their practical application. Foremost is the fact that complaints can come only from persons or organizations under the jurisdiction of States parties to such instruments, and that it is difficult to lodge complaints at the time when the abuses are occurring. Under the complaint procedure provided by the Economic and Social Council, in its resolution 1503 (XLVIII), allegations of systematic violations are generally referred back to the Governments concerned, which may sometimes have serious consequences for the complainants. Furthermore, in order for the Committee against Torture to be able to investigate the complaint, the particular country must recognize the competence of the Committee under articles 20, 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, which it can decline to do when ratifying the Convention. Notwithstanding these and other constraints, at least some international means exist for recourse where national channels may be insufficient.

11. The specialized agencies of the United Nations have mechanisms to consider complaints against alleged violations of rights contravening their constitutions or international instruments in their areas of concern. The conventions of the International Labour Organisation (ILO) prohibit forced or obligatory labour; others seek to promote safe working conditions and to reduce occupational hazards and injuries. There is a uniform system of supervision by a commission of experts and a tripartite commission consisting of representatives of Governments, employers and workers, who can review complaints. The Executive Board and General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) examine massive, systematic or flagrant violations of human rights and fundamental freedoms. The World Health Organization (WHO) has the main reponsibility for promoting compliance with the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), which proscribe the participation of medical personnel in torture, and with the draft body of principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder (E/CN.4/1989/3, draft resolution VI), which aim at preventing psychiatric abuses and provide basic standards for treatment.

12. Other bodies and specialized agencies of the United Nations exercise certain protective functions, which may include formal or informal means of conveying grievances alleging victimization. Thus, the Office of the United Nations High Commissioner for Refugees (UNHCR), inter alia, fosters judicial protection for refugees and their treatment according to recognized international standards, including the right to seek asylum and not to be forcibly returned to a country where they have reason to fear persecution. With the adoption of the Convention on the Rights of the Child by the General Assembly in 1989 (A/44/616), the United Nations Children's Fund (UNICEF), together with the human rights bodies of the United Nations, will carry responsibility for its application. The Secretary-General and heads of bodies and specialized agencies of the United Nations can use their good offices to try to curtail victimization and to help individual victims,* especially when threatened

*Within the United Nations system, there is an appeals machinery for presumed violations of staff rights but it is limited to recourse for internal administrative decisions.

with execution, but must rely on the goodwill of Governments and quiet diplomacy. The fact that even in the case of United Nations staff under detention these efforts have been protracted and not always successful shows the grave nature of the problem of victimization nationally and internationally, with truly effective remedies not yet clearly in sight.

13. Although the intergovernmental machinery for the submission of possible claims of victimization is often cumbersome and not always effective because of its restricted nature and inevitable reliance on the co-operation of the Governments concerned, it does offer an avenue of recourse that needs to be strengthened further.

B. Regional mechanisms

14. The regional mechanisms, primarily the commissions for human rights and courts, provide models for more effective recourse. The European Commission of Human Rights may receive complaints from persons, groups of individuals or non-governmental organizations alleging one or more violations of the rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms by one of its State parties that has recognized the competence of the Commission to deal with individual complaints, provided that the petitioner has exhausted all domestic remedies. The European Court of Human Rights has established an impressive record in dealing with cases submitted by appellants from its member States involving, largely, claims of persons under detention.

15. Communications alleging violations of the American Convention on Human Rights may be submitted to the Inter-American Commission on Human Rights by any person or group of persons, or any non-governmental entity legally recognized in one or more member States of the Organization of American States, provided that domestic remedies have been exhausted or that the party has been prevented from having recourse to them, or if there has been an unwarranted delay in rendering a final judgement at the national level. In a "contentious proceeding", the case is forwarded to the Inter-American Court of Human Rights for a decision. The Court, on 29 July 1988 and 20 January 1989, respectively, rendered judgements in two cases, each concerning a disappeared person, holding a Government accountable for the violation of its duties and the fundamental guarantees contained in the American Convention on Human Rights.* The Court stated that the Government must (a) prevent the practice of disappearances; (b) investigate those of the persons on behalf of whom the action was initiated until there was a certitude about what had happened to them; (c) punish those responsible for causing the disappearances; and (d) provide appropriate indemnification. 9/ A number of other cases, lodged by presumptive victims or their families, have been submitted to the Inter-American Commission on Human Rights or are being prepared for submission to it, for probable transmission to the Inter-American Court of Human Rights for action.

*The argument was invoked that, in committing a crime against humanity (crimen de lesa humanidad) in violation of the American Convention on Human Rights, the international community and humanity as a whole were the direct victims, and those who had disappeared and their families were the specific, immediate but indirect (occasional or incidental) victims; furthermore, that the State's responsibility under international law did not relate only to the actual personal injuries suffered but also to the denial of justice involved in failing to take all the precautions necessary to prevent harm from being done, or in condoning illegal acts.

16. The recently established African Commission on Human and Peoples' Rights has, inter alia, a promotional mission: to collect information, to conduct research, to formulate principles and rules and to co-operate with other African and international institutions in order to foster the observance of fundamental rights and reduce victimization. Procedures envisage two kinds of communications: (a) "negotiation-communications" and (b) "complaint-communications". Under article 56 of the African Charter on Human and Peoples' Rights, communications may also be submitted by sources other than States, including individuals, non-governmental organizations and international and national organizations. If the communications reveal a series of serious or massive violations of human and peoples' rights, the Commission brings them to the attention of the Assembly of Heads of State and Government. The resultant publicity is in itself a type of sanction aimed at deterring States from committing grave abuses.

C. Non-governmental organizations

17. Non-governmental organizations, both national and international, play an important role as guardians and advocates of human rights, monitors of their observance and facilitators of possible recourse. They have also been in the forefront of campaigns for the rights of victims of crime. Local chapters of international non-governmental organizations and national organizations, including associations of victims' families, have played a major part and are often the only source of support and advice on the avenues to be pursued, including supranational channels.

18. The International Committee of the Red Cross provides humanitarian aid to the victims of disasters of human, as well as natural, origin. It also has widely accepted mechanisms for investigating victimization arising from armed international or local conflict and procedures for visiting places of detention and investigating allegations of torture and the fate of missing persons. Amnesty International, which publishes general and special country and subject reports, is concerned particularly with prisoners of conscience and seeks to eliminate capital punishment, summary and arbitrary executions, forced disappearances and torture. Through its representations to Governments, wide publicity and massive write-in campaigns, Amnesty tries to prevent executions and to secure the release of prisoners it has "adopted". The International Commission of Jurists collaborates in the development and application of international and national standards and norms for the maintenance of the rule of law and the observance of human rights in the administration of justice. Through its fact-finding missions, whose results are summarized in published reports, it brings to light some of the serious allegations of violations of human rights in certain countries or concerning certain groups with a view to securing redress. The International League for Human Rights and the Lawyers' Committee for International Human Rights also draw attention to the abuses perpetrated in some States, and assist groups and individuals whose rights have been violated or are in danger.

19. Many other organizations defend basic rights as do professional associations in various disciplines bearing on the situation of victims. The International Association of Penal Law promotes the application of international standards and norms: together with other major international organizations in the field, it has significantly advanced the development of principles for implementing the Declaration. The International Society of Social Defence, through the Centro Nazionale di Prevenzione e Difesa Sociale, Milan, organized a follow-up meeting that finalized these principles, which were subsequently submitted on behalf of the organizations concerned to the Committee on Crime Prevention and Control, at its tenth session.* The International Society of

Criminology, at its Tenth International Congress held at Hamburg, in September 1988, included the abuse of power as the subject of a plenary session. The World Society of Victimology held its Sixth International Symposium on Victimology at Jerusalem, from 28 August to 1 September 1988, and has organized annual courses and workshops on victims, including one on the victimization and protection of minorities, which was held at Dubrovnik, Yugoslavia, in May 1989. The World Federation for Mental Health, which together with the World Society of Victimology played an important role in the development of the Declaration, gave the subject attention at its World Congress, held at Wellington, New Zealand, in August 1989.

20. Other events include the Fifth International Congress of Victimology, held at Acapulco de Juárez, Mexico, in July 1989; an international conference on victims of abuse of power, held at Recoaro Terme, Vicenza, Italy, in September 1989; the Fifth Annual Meeting of the Society for Traumatic Stress Studies, held at San Francisco, in October 1989; and two forthcoming meetings, one, organized by the World Society of Victimology, on the implementation of the Declaration with regard to victims of the abuse of power (Dubrovnik, May 1990), and another, organized by the International Institute for the Sociology of Law, on victims' rights and legal reforms (Oñate, Guipúzcoa near San Sebastian, Spain, May 1990).

II. RESTITUTION AND COMPENSATION

21. The increased emphasis being placed on reparation to victims of crime and the abuse of power is evident in recent national and international initiatives. At the National Conference on Criminal Justice: Restitution, Compensation and Remedies for Victims of Crimes, held at Abuja, Nigeria, in June 1989, an integrated system and institutional framework were proposed, drawing on the Declaration and other texts, adapted to the African context and precepts, with emphasis on the function of criminal justice in maintaining social harmony and providing appropriate redress. It was urged that suitable provisions for restitution/compensation should be incorporated in national legislation, in accordance with the Declaration and African orientations. 10/

22. Restitution of unlawfully acquired property or compensation for the injury, loss or damage inflicted are still practised in African States in cases of theft or malicious damage. They provide both a remedy and an alternative to formal criminal proceedings, derived from other legal systems, which all too often exclude the victim and thus run counter to African values and traditions. There is a reluctance to invoke the penal process, which not only apportions blame but also metes out punishment, leading to possible bitterness and strained relationships rather then promoting reconciliation, the goal of customary mechanisms. This is borne out by public opinion, as reflected in empirical studies and the findings of official bodies that have suggested that restitution and compensation should be used in cases involving personal injury and property offences, with reparation serving as the pivot of the criminal justice system applicable to all offences except capital crimes. It was suggested at the National Conference that the necessary machinery should be incorporated in the Nigerian and other African criminal justice systems, which would enable a victim to seek redress from the offender without

*The proposed implementation principles and background papers have been published in a special volume; see International Association of Penal Law, International Protection of Victims, *M. Cherif Bassiouni, ed.* (Paris, Erès, 1988).

necessarily going through a judicial process. The right to settle a case should exist at all stages of a criminal trial, and the interests of society, the victim and the offender should be properly and consistently balanced. 10/ Programmes for victim-offender reconciliation, an established option in other jurisdictions, are being expanded elsewhere, often with judicial assistance.* There is also a wider use, in some countries (e.g. Italy), of community service instead of short-term imprisonment.

23. The Economic and Social Council, in its resolution 1989/57, recommended that, at the national, regional and international levels, all appropriate steps should be taken to develop international co-operation in criminal matters, inter alia, to ensure that those who suffer victimization in another State receive effective help, both immediately following the crime and on return to their own country of residence or nationality, in protecting their interests and obtaining adequate restitution or compensation and support services, as necessary. The European Court of the European Economic Community, in a precedent-setting judgement of 2 February 1989, ruled that national compensation laws should apply not only to nationals and residents of the Community's member States, but also to tourists. 11/

24. Special consideration has been given in a number of countries to the victims of terrorism and organized crime. The progressive internationalization of crimes has both national and wider implications for the treatment of their growing numbers of victims. This is strikingly so with regard to the victims of terrorist acts, such as air or sea piracy where the origin of the victims, site of crime, carrier and perpetrator(s) may involve a number of jurisdictions and have implications under both national and international law. Some countries (e.g. France, Italy, Spain) 12/ have provisions for compensation of victims of terrorism but most do not. Compensation for victims of terrorism has been limited by government acts and by international instruments and treaties. A number of practical problems complicating litigation have also curtailed the availability of compensation for victims of terrorist acts, especially the problem of definition, both of terrorism and of its victims, and the difficulty of identifying a responsible party who can be brought within a court's jurisdiction. Groups presumably exposed to greater hazards by virtue of their professions, such as diplomats and armed service personnel, enjoy special protection but legislation usually restricts the extent of their compensation. In the last two decades, a passenger's ability to recover damages and the amount have been substantially increased, the carriers' liability clarified and the burden of proof eliminated. Emotional anguish has also come to be recognized in compensation awards. 13/

25. The very nature of organized crime makes its victims difficult to identify: it is often camouflaged, interfaces with legitimate business activities, uses sophisticated organizational forms and advanced techniques to escape detection, and harms many people who may not even know that they are being victimized (like the collective victims of environmental or consumer offences). All too often, syndicate bosses enjoy impunity because of the power they wield and the corruption on which their enterprises thrive. Their vast means, derived from the proceeds of crime, could, if seized,** serve as a

*Originally used in juvenile cases, such programmes are increasingly being extended to other cases. See, for example, Johannes Feest, "Schlichtung als Form der Opferhilfe", Bewährungshilfe, vol. 35, No. 3 (1988), pp. 364-373.

**Many countries have enacted or are contemplating enacting such legislation. See, for example, David McClean, "Seizing the proceeds of crime: the state of the art", International and Comparative Law Quarterly, vol. 38 (April 1989), pp. 334-360.

resource for victim compensation. In some jurisdictions (e.g. New York City) the profits of drug traffickers have financed drug treatment programmes: initiatives of this kind could be pursued, involving different groups of victims or "generic" reparation (e.g. for assistance to victims). An innovative scheme has been devised suggesting modes of handling and of sentencing those engaged in different types of organized crime, which uses restitution/compensation; although the scheme was proposed in the African context, 14/ it has wider relevance.

26. Incisive action is necessary, particularly where entire nations have been victimized by predatory organizations or unscrupulous rulers. To redress the situation and to meet public needs, the affected countries must have the capability to trace, seize or have seized or forfeited the proceeds of corruption and abuse. The assets accumulated by despotic rulers at the expense of their subjects, usually deposited abroad, should properly revert to them and be used especially for indemnification of the victims and/or their surviving family members. The co-operation of other States and of banking institutions in devolving the funds to the pillaged countries is necessary. The immunity and impunity of the victimizers must be avoided but due process rigorously observed. The development of guidelines, treaties and other arrangements to facilitate this process, including the curtailment of the political exception in extradition provisions, would be a significant step forward and a fitting response to the growing recognition of the need to compensate victims of gross violations of human rights.

27. The increased recognition of the need for recourse and redress for victims of various kinds of abuses has spurred some new international initiatives. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-first session, adopted a draft resolution on compensation for victims of gross violations of human rights (E/CN.4/Sub.2/1989/L.9/Rev.1), in which it expressed deep concern about the substantial damage and acute suffering such violations caused to individuals, groups and communities. The Sub-Commission stressed the need to develop international standards further in order to ensure that such victims have an enforceable right to restitution, compensation and rehabilitation, fully recognized at the international level. It designated one of its members to study this question, taking into account existing international norms and judgements by courts, including the Declaration, as well as the decisions and views of international organs and bodies, with a view to developing basic principles and guidelines for submission to the Sub-Commission at its forty-second session. The Committee may wish to consider the ways in which it can establish a fruitful partnership with the Commission on Human Rights and the Sub-Commission in this endeavour.

28. A summary of United Nations instruments was prepared for an expert meeting on compensation for victims of human rights violations convened by the Canadian Human Rights Foundation at Ottawa, in April 1989. 15/ Recent judicial decisions have recognized the merit of claims lodged by victims of abuses even when they reside under a jurisdiction other than that in which the violation occurred, and a draft law to facilitate cross-jurisdictional action has been prepared by the Association of the Bar of the City of New York. 16/

29. Some experience is available on the application of legislative provisions mandating compensation to victims of massive persecution. On the basis of an

in-depth study of Wiedergutmachung concerning reparation to victims of nazism,* practical principles were distilled and included in a working paper (A/CONF.121/6, pp. 40-41) that was submitted to the Seventh Congress under agenda item 5. These principles refer to the organizational and administrative requirements, the basis for assessing damages, the precautions to be observed and other salient aspects. They are concrete and yet general enough to permit adaptation to other situations. Other more recent instances include the laws of Canada and the United States of America mandating compensation, respectively, for Japanese-Canadians and Japanese-Americans interned during the Second World War.

30. Important new precedents for the compensation of victims of human rights abuses and/or their families have been established by regional courts. The Inter-American Court of Human Rights has recently settled the amount and form of compensation that a Government is required to pay to the relatives of two persons who had disappeared. The Court sought, inter alia, the opinion of the victims' relatives who requested that non-pecuniary measures be included in the compensation. The Court limited the awards to a sum of money for the pecuniary losses suffered by the relatives and for the moral damage (based on psychiatric testimony), payable in instalments, including interest, with the Court exercising supervision of the implementation of the judgement. 17/ In the legal arguments, it was stressed that the claim to reparation must correspond to the right violated and not only to the material damage caused; and that it involved also reparation for moral, immaterial or non-pecuniary damage caused by a State. Just and equitable indemnification in these cases was deemed to be an amount determined independently from the provisions that might obtain under national law. 18/

31. People's increased awareness of their basic rights and of the possibility of redress is being directed not only against Governments, but also against other entities, especially industrial concerns and other corporate enterprises. Thus, a group of women used as forced labourers during the Second World War has lodged a compensation claim against the company for lost earnings, the harm and pain suffered, social security benefits and for wilful exposure to noxious substances. It was proposed that a foundation be established, with the help also of industry, so that the surviving victims, even if they lived elsewhere, could also receive at least a symbolic sum as reparation. 19/

32. The Bhopal tragedy and recent nuclear and other disasters have spawned a plethora of class and individual actions for compensation in various jurisdictions, with implications for other kinds of litigation involving collective victims. Such persons may be unaware of the violations of their rights or lack ready access to means of redress. Particularly in the case of disadvantaged and vulnerable segments of the population, who may have no other option than to live in the proximity of potentially harmful operations, information on the risk and appropriate preventive measures must be provided; failure to do so and to expose people knowingly to danger should be a criminal offence and is increasingly being treated as such. The traditional division between civil and criminal liability is not helpful in such cases; sanctions, including a special form of responsibility under an international régime on liability for

*For a comprehensive account, see Walter Schwarz, Die Wiedergutmachung nationalsozialistischen Unrechts durch die Bundesrepublik Deutschland (Bonn, Bundesministerium der Finanzen, 1984) and Christian Pross, Wiedergutmachung: der Kleinkrieg gegen die Opfer (Frankfurt, Athenäum, 1988).

mass disasters, has been suggested as being more appropriate. This régime would apply particularly to transnational entities, which would be subjected to restitutionary sanctions to compensate the victims and to redress the environmental or other damage inflicted by mass disasters. Punitive measures could be applied in case of intent (e.g. derived from the differential level of safeguards used in developed vs. developing countries). At the same time, there is a need for risk-distribution and cost-sharing systems of redress through insurance and development of the law relating to "toxic torts". 20/

33. The movement towards the internationalization of norms relating to environmental damage or hazards and compensation procedures is reflected in the adoption, on 22 March 1989, of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and by a new international convention on the transport of dangerous goods, adopted by the Economic Commission for Europe, on 10 October 1989. The latter Convention establishes uniform international rules to ensure adequate and speedy compensation from a carrier whose transport of dangerous goods (which account for more than 50 per cent of all shipments) causes loss of life or personal injury and loss or damage to property or to the environment by contamination. It takes account of the interests of victims of environmental accidents, as well as those of the responsible carriers. The Committee, which, at its tenth session, manifested its concern about the need to control dumping practices, especially in developing countries, may have a special interest in this new instrument and its wider applicability, as well as in additional measures to be taken in cases of wilful dumping or criminal negligence.

34. Claims are increasingly being submitted against Governments and other entities for the failure to take appropriate preventive measures against possible harm. Suits have been lodged in some States on behalf of thalidomide victims on the ground that the Governments failed to safeguard the rights of the unborn in violation of national human rights guarantees and international instruments such as the Declaration of, and Convention on, the Rights of the Child. Claims have also been instituted for blood transfusions contaminated by the human immunodeficiency virus (HIV). In many cases, the suits concern transnational sources of harm (e.g. radiation caused by the Chernobyl accident), with claims for compensatory damages lodged in other countries for failure to inform the public of harmful trans-border effects. Such claims can be expected to proliferate, raising complex procedural and other issues and underlining the need for common standards and measures to be taken across frontiers.

35. International initiatives are also required to assist victims of serious abuses where no other means exist. The establishment of an international fund, within the framework of the United Nations crime prevention and criminal justice programme, for the compensation of, and assistance to, victims of transnational crimes and abuse of power, as suggested by participants in the Western Asia Regional Preparatory Meeting for the Eighth Congress (A/CONF.144/RPM.4, resolution 2), deserves serious consideration. While a United Nations Trust Fund for the Victims of Torture already exists, its resources have been very limited and devoted mostly to the clinical treatment of victims of torture in specialized centres. Other seriously victimized persons or their co-victims (families of those killed), however, usually have no means of redress, especially where national avenues of recourse are insufficient or non-existent. The creation of such a fund would give tangible proof of the concern of the international community about the plight of victims. Awards could be made to particularly desperate cases and for specified purposes, serving as seed money for the development of services

for victims and of innovative programmes, including community-based efforts to prevent victimization and to assist those victims denied assistance and support in the past. There is a need for action-oriented research on various aspects of victimization and on optimal ways of assisting victims, and for the formulation of policies, training and practical aid to Governments. An international resource would permit wide-ranging action with a multiplier effect, and the Committee may wish to make further recommendations.

III. SERVICES AND ASSISTANCE FOR VICTIMS

36. Some advance has been made in recent years in the development of models of treatment and techniques for dealing with different kinds of victims, in the establishment and application of victim services and victim support schemes, and in generating and upgrading expertise. Measures are being taken to establish an empirical base for the efforts undertaken and to assess them. New service delivery systems are emerging, sometimes by the further development of an incipient victim-helper role (e.g. of the police), of assistance geared to the needs of certain victim groups (e.g. refugees), 21/ or the use of innovative treatment techniques. 22/ Governments are taking an increased interest in providing help for victims and a number of countries are either themselves supporting such efforts or have stressed their interest in receiving international aid. It is difficult to determine whether this is a result of the Declaration; it may be part of the growing sensitivity to human needs and rights. In many publications, reports and legislative acts, however, there are references to the Declaration* and sometimes its provisions have been included in full or in part. 23/

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*"The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power has been commonly considered as an outstanding achievement, a real Great Charter for victims. No doubt, the United Nations Declaration has already been and will be a very strong impetus to develop victim protection at the international and national levels" (Andrzej Marek, "Protection and assistance to crime victims in the socialist countries of Europe: a comparative approach in outline", Eurocriminology, vol. 2 (1988), pp. 101-113); "Il n'en demeure pas moins que la Déclaration des Nations-Unies a représenté en Europe un point fort, un moment très fort de l'évolution des choses. Bien plus, et en vérité, on peut même prétendre que cette réforme de politique criminelle en Europe a été une véritable révolution" [Be that as it may, in Europe, the United Nations Declaration has represented a turning point, a milestone in developments. Far more, in fact, it can even be asserted that this criminal policy reform in Europe has been a genuine revolution.] (P. H. Bolle, statement made at the International Symposium on Law Enforcement and the Human Rights of Victims, Cairo, January 1989). The Attorney-General of South Australia, which was the first jurisdiction to apply the Declaration, states: "When the United Nations General Assembly approved the Declaration on Victims of Crime and Abuse of Power in December 1985, it confirmed the victims' role and status as of paramount concern for crime and justice policy. No longer is there need to argue for greater recognition of victims' rights; the challenge now is to translate this acknowledgement into effective programmes and legislation" (C. J. Sumner and A. C. Sutton, "Implementing victims' rights: an Australian perspective", paper presented to the Sixth International Symposium on Victimology, Jerusalem, 28 August-1 September 1988).

37. At the same time that Governments are adopting new measures in this field, there is also a trend towards the privatization of victim-related initiatives through the more extensive use of mediation and conciliation techniques, including community service, ranging from the Norwegian conflict councils, Yugoslav conciliation boards, and neighbourhood dispute settlement centres in the United States to the traditional methods used by Philippine barangays, Indian panchayats and African customary justice mechanisms. The interest in exchanging expertise and experience is evident in the growing number of international and national conferences devoted to issues related to victims, including those focusing on victim services and mediation etc. A European Conference on Victim Support Services was held at Valencia, Spain, in November 1989; another, on crime and public policy in Europe, dealt, inter alia, with victim-related alternatives and the criminal justice system,* and other events are taking place. 24/

38. This fairly new area of specialization is arousing major interest among a number of professions, facilitating a multi-disciplinary approach. In some countries (e.g. Argentina), interdisciplinary pilot centres for assistance to victims of crime have been established with State aid; their wider replication is envisaged but impeded by financial constraints. The potential of voluntary action has been shown in many countries, particularly when there is some official support, for example, in the United Kingdom of Great Britain and Northern Ireland, which is providing increased aid for the work of the National Association of Victims Support Schemes (NAVSS), now called Victim Support, 25/ in France, where the Institut national d'aide aux victimes et médiation (INAVEM), the co-ordinating body for local victim assistance associations, has long enjoyed the active partnership of the Victim Protection Service of the Ministry of Justice, 26/ and in the United States, where the National Organization for Victim Assistance (NOVA) has played a leadership role in the legislation on victims' rights and the provision of victim services. In several countries, there are handbooks for victims, 27/ and in France, there is a computerized telephone information service on the assistance available. A practical guide for professional and voluntary staff of victim services has been developed jointly by some countries for translation and publication in each collaborating State.

39. Major strides are also being made in the methodology of treating victims of abuse of power, although the capacity is as yet limited when compared with the numbers in need. The progress made is due largely to the initiative of dedicated professionals and lay helpers who, together with the victims and family co-victims, have been exploring a largely uncharted terrain. Centres for the treatment of victims of torture, operating in Australia, Canada, Denmark, France, the Philippines and the United States, have brought deeper insight into the destructive effects of torture and the therapeutic requirements of its victims. Most use a clinical treatment model. Recent meetings of representatives of the various torture treatment centres in San Francisco (October 1989) and San José, Costa Rica (November 1989) afforded a valuable opportunity of exchanging experience and discussing problems and techniques. The Philippine BALAY Centre for ex-political detainees is relying not only on

*See, for example, Martin Killias's paper entitled "Victim-related alternatives to the criminal justice system: compensation, restitution and mediation" and comments thereon, presented to the Second European Colloquium on Crime and Public Policy in Europe, organized by the Max Planck Institute at Buchenbach, Federal Republic of Germany, 3-7 September 1989.

professionals or para-professionals and lay workers, but also on the partnership of the victims in their treatment, including the development of the treatment plan.* 28/ Argentine therapists working with families of disappeared persons use similar methods, drawing on self-help efforts and promotion of mutual support and social solidarity as key elements. These factors are particularly important where uncertainty, ostracism and social isolation have exerted their pernicious effect. Retrospective analysis has yielded important cues for treatment. 29/

IV. RESEARCH AND TRAINING

40. Research has been playing an increasingly important role both in the generation of knowledge and as a guide to policy-making and treatment, not only nationally, but also cross-nationally. A whole range of priority issues has become a subject for research and scientific analysis, with important implications for action; 30/ others require further study.** The first major international victimization survey was carried out in January-February 1989, among the population of 17 countries, using a standard questionnaire and measuring the experience of crime and related issues, including the distribution of victimization risks, responses to crime, opinions about the police and need for support by a specialized agency. The results indicate that the risks of being victimized by conventional crimes are highest among young persons living in cities of more than half a million inhabitants; that a third of all victims are dissatisfied with the way in which the police handled their cases; and that there is a wide gap between the limited supply of specialized services for victims and their demand for them, especially for serious crimes of violence, and among multiple victims, female victims and elderly victims. 31/ It was also found, in another investigation, that changes in the proportion of residents with divergent life-styles and value orientations, minority status or subculture affiliations may have a greater effect in fostering the fear of crime than the actual incidence of victimization. 32/

41. It has been observed that abused children and witnesses of domestic violence often become abusive parents. Research findings point to the personality damage suffered by victims of early, prolonged traumatic stress, and a recent study concludes that "when children are subjected to prolonged violent stress - terrorized - they are likely to become terrorist".***

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*A children's rehabilitation centre for victims of political violence has also been functioning in Manila, using a community and family-centred approach; see International Newsletter on Treatment and Rehabilitation of Torture Victims, vol. 1, No. 2/3 (January 1989), pp. 1 and 11.

**Among the neglected issues meriting the attention of cross-cultural research is the effect of punishment of the offender, or lack thereof, on the victim, as well as of formal, if only symbolical, admissions of wrong done. See, for example, Peter Vesti, "Why are torturers never punished?" Danish Medical Bulletin, vol. 35 (1988), pp. 493-495, and H. Wagatsuma and A. Rosett, "The implications of apology: law and culture in Japan and the United States", Law and Society, vol. 20, No. 4 (1986), pp. 461-507.

***A recent mass murderer in Montreal, in December 1989 was found to have been subjected to extreme, persistent abuse as a child. See, also, Rona M. Fields, "Terrorized into terrorist: sequelae of PTSD in young victims", 1988, and C. S. Widom, "The Cycle of Violence", Science, No. 244 (1989), pp. 162-166.

Similarly, children in inner cities who have been victimized by violence have been found to be more inclined to delinquency, though early intervention shows promise of interrupting the vicious circle. 33/ Many aspects remain to be elucidated, including the complex factors leading to victimization 34/ and the implications of the often tenuous dividing line between victim and victimizer. 35/

42. The dynamics of massive victimization are also being explored: a recent study analyses the social processes leading to genocide, as in the massacre of the Armenians and the Holocaust. 36/ The long-term effects of such extreme forms of victimization now reaching the second and third generations, are coming to be recognized and scientifically explored.* A research organization (Pion Foundation) has been established to promote the comparative, interdisciplinary study of the processes and factors contributing to the perpetration and perpetuation of abuses of human rights and those inhibiting them; the results should provide indications for preventive action.

43. Although the special treatment of victims of crime and of Post-Traumatic Stress Disorder (PTSD) is fairly new and limited by the still fragmentary knowledge and dearth of expertise, it is being rapidly developed. A spectrum of training activities exists, ranging from attempts to upgrade the capabilities of some of the agencies dealing with victims to multiform initiatives. Thus, for example, the preliminary assessment of an in-service training programme for the municipal police in Utrecht, the Netherlands, points to the success of the three-month training programme designed to make victim assistance a core function of the police (and a rubric in their rating) and to integrate training, evaluation and policy-making. 37/ There is also a need to sensitize the media to the needs and rights of victims, especially their right to privacy. The development of a code of conduct and the dissemination of the Declaration would help.**

44. A multi-disciplinary, interprofessional Task Force on Curriculum, Education and Training of the Society for Traumatic Stress Studies has developed training modules in 10 areas, which are either specific to an interest (e.g. ethics) or emphasize the training needs of a particular discipline (e.g. psychiatry, psychology, social work, clergy, nursing, para-professionals, media etc.), that cover the concerns encountered in victim assistance at various professional levels and in different time frames. According to the statement of purpose in its report, the Task Force implements the Declaration. This initiative fills a void in the training of members of the helping professions in a field where their services are increasingly being sought. 38/

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*See, for example, the papers presented to the International Conference on the Psychological and Psychiatric Sequelae of the Nazi Terror in Aging Survivors and their Offspring, held at Hannover, from 11 to 14 October 1989.

**Recent initiatives taken by schools of journalism (e.g. Columbia University and New York University) have sought to foster greater awareness and informed action in this respect, but more needs to be done. See, also, Emilio C. Viano, "I mezzi di informazione e le vittime della criminalità: il diritto di sapere contro il diritto alla privacy", paper presented to an international conference on victims of abuse of power, Recoaro Terme, Vicenza, Italy, 15-17 September 1989, in Rezzara Notizie, vol. XX, No. 8 (October 1989), pp. 3-7.

45. In-service training to meet the needs of victims has also been introduced as part of the specialization in the curriculum for psychiatric studies (e.g. in the United States)* and of primary health care in developing countries.* Training programmes have also been developed for certain groups of victims, for example, refugees, 39/ with potential replicability. Further systematization of these efforts and their application in different contexts will advance the methodology and determine the proper mix for different groups of victims.

V. PREVENTION OF VICTIMIZATION

46. At its tenth session, in its consideration of the report on measures taken to implement the Declaration (E/AC.57/1988/3), the Committee stressed the need for more effective prevention of victimization. The inventory of crime prevention measures, prepared under the auspices of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, describes preventive measures for varying situations and circumstances. 40/ A recommendation on the organization of crime prevention, adopted by the Council of Europe, provides some guidelines. By reducing crime, preventive measures also curtail victimization, which has become a priority concern in different parts of the world, as reflected in three major meetings on urban insecurity/security held in the last three years (Barcelona, 1987; Cordoba, Argentina, 1988; Montreal, 1989). All three meetings urged that a broad-based yet focused approach be taken to crime problems both as an objective reality and in its subjective perception (fear of crime),** and gave prominence to the needs of victims.

47. Efforts to increase the safety of cities involve measures of two kinds: concrete environmental and physical preventive steps (now called "space management" instead of "defensible space") and other forms of "situational crime prevention"; and - motivated by a deeper analysis of urban ills and their relationship to socio-economic change, marginalization, conflict, fear of strangers etc. - attempts to modify social structures and economic programmes, and to institute integrated (or at least co-ordinated) strategies likely to increase popular well-being and, inter alia, to prevent crime. Intersectoral and inter-agency collaboration with central and local co-ordinating councils has been the mainstay of this approach (e.g. in France, the Netherlands, Spain and the United Kingdom), which also draws heavily on social solidarity and public participation in crime prevention. 41/

48. To take this approach further, a European and North American Conference on Urban Safety and Crime Prevention was held at Montreal, in October 1989. Organized by the Forum of Local and Regional Authorities of Europe for Urban Security and counterpart organizations in the United States, the report is to be submitted to the Eighth Congress and will contribute to the Urban Charter being drafted by the Council of Europe. The Conference, which was attended by participants from other regions, proposed a programme of action to prevent violent and property crime, to reduce the demand for drugs and to decrease the

*A pilot training scheme in New York City is being carried out in collaboration with a major medical school, see, for example, "Recent accomplishments at the Victim Services Agency", New York City, 1989.

**As the Secretary-General has noted, "Frequent incidents of lawlessness cause widespread fear and, for the individual, a haunting sense of insecurity". ("Report of the Secretary-General on the work of the Organization: September 1989" (A/44/1), sect. XII).

feeling of insecurity in cities. Municipalities were asked to institute a unified strategy against violence and fear, with emphasis on vulnerable segments of the population. The Conference recommended that mediation and conciliation should be encouraged to avoid conflicts and that information on the outcome of cases, access to effective judicial remedies and reparation should be urgently provided to victims of crime. Vigorous national and international leadership was called for to strengthen the gathering and dissemination of information and the systematic sharing and exchange of knowledge and experience, as well as the education and mobilization of the public, action-oriented research, training in inter-agency settings, co-ordinated efforts and the provision of technical assistance. International action was urged to control firearms, drug trafficking and money-laundering and to establish an international data base for use by local authorities and officials of all countries, and others eager for up-to-date comparative information on effective crime prevention policies and programme models, and for appropriate referrals.

49. Two main preventive orientations are crystallizing, which are not necessarily contradictory. In some countries, there is an emphasis on crime preventive programmes geared to particular situations, 42/ with scepticism about their transferability. Elsewhere, especially but not only, in developing countries, there has been an attempt to map out a comprehensive approach to planning for crime prevention within which specific programmes can be implemented. 43/ Scientific forecasting techniques are used, for example in the Union of Soviet Socialist Republics, as a basis for preventive planning. 44/ In developing countries, where debilitating economic crises and the social cost of structural adjustments have increased the incidence of crime, the need for broad-based, as well as specific, preventive strategies has become painfully evident. It is to be hoped that this insight will be increasingly reflected in development planning, particularly in country programmes proposed for international support, in the response of funding agencies and in the priorities accorded to different aspects of the International Development Strategy for the Fourth United Nations Development Decade.

50. One of the challenges facing contemporary societies is how to exercise the crime control function in the context of democratic institutions and human rights guarantees. This question is receiving increased attention at international conferences and in policy analyses. 45/ Steps have been taken in some jurisdictions to prevent and curtail the victimization of ethnic, racial or religious minorities through crime and discriminatory treatment. Police forces in certain countries have developed policies for reporting on ethnically, racially or religiously motivated incidents and for providing support for the victims, including practical measures such as special telephone lines, interpreters and the incorporation of more minority members in the force. Basic standards are being developed and attempts made to strengthen the partnership between the police and local communities with large minority populations.*

51. A prime means of preventing victimization through the abuse of power is by increasing accountability, monitoring the performance of official agencies and providing a means of recourse against them. Various procedures exist in

*The Community Relations Branch of New Scotland Yard has issued best practice guidelines for the recording and monitoring of racial incidents. See, also, Jayne Seagrave, Racially Motivated Incidents Reported to the Police: Research and Planning Unit Paper 54 (London, Home Office, 1989).

different countries to prevent abuses and to afford alleged victims a channel for seeking redress. The institution of ombudsman, as an independent instance envisaged in the constitution or created by the legislature (especially in federated States), exists in many countries.* An ombudsman usually enjoys considerable independence and has the power to monitor government institutions (sometimes also the private sector) and to review administrative decisions. He or she often affords the complainants direct access through a small staff acting with flexibility. 46/ Although not a substitute for judicial review, the ombudsman offers a valuable channel for recourse, especially in precarious situations such as detention where other means may not be available or are procedurally more cumbersome. The large amount of petitions submitted to the ombudsman in many countries, especially where this institution has only recently been introduced 47/ attests to its value. The experts convened at Vienna on the occasion of the Fourteenth International Congress of Penal Law in October 1989 suggested that countries set up such an independent authority to investigate and adjudicate complaints. It was recommended that this authority, a reinforced kind of ombudsman, would dispose of a fund fed through fines and be able to recover money etc. from the offending party for the benefit of the victim. The latter would be able to initiate proceedings and would be encouraged to seek redress, as is the case with civil or professional responsibility. The prospect of being sued for misconduct was deemed to serve as an effective deterrent. Codes of conduct are increasingly being seen as an effective means of complementing constitutional or legislative provisions.

52. A related question is preventing the excessive use of power, which may constitute an abuse even though it involves the exercise of authority in good faith by an official (e.g. police) for an acceptable goal.** This kind of situation often arises in crisis situations (another reason for limiting states of emergency). The victims of such acts, though they may be gravely harmed, generally find their claims for indemnification for acts or omissions by agents of the State who have exceeded their authority thwarted by the necessity of proving injurious intent, which may not necessarily be the case. For this reason, it has been proposed that the training of such personnel should include explicit indications of the standards and rights to be observed and of the limits of the actions and that suitable protection should be afforded against disciplinary measures or other sanctions that might be invoked against a

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*Variants of this principle exist in some countries: for instance, the public prosecutor discharges similar functions in socialist States; in the United Kingdom, there is a Parliamentary Commissioner for Administration; in France, a médiateur; in Uganda, an Inspector-General of Government and a Human Rights Commission; and in Nigeria and some other African States there are Public Complaints Commissions.

**"Zealous concern for State interests not infrequently served to justify facts of arbitrariness, violation of the constitutional rights of the citizens and the bureaucratic attitude to them. We resolutely reject this approach as being incompatible with general democratic and social values and ideals. The common good cannot be built on injustice committed to even one person. Every citizen is responsible for his actions before society, but society and the State, in turn, are responsible before the citizen for observance of his legal rights, personal immunity and property" (Mikhail Gorbachev, Report of the Congress of People's Deputees, 30 May 1989 (Moscow, Novosti Press Agency, 1989)).

refusal to obey a superior's illegal order.* In countries seeking to consolidate democratic institutions, a clear articulation of acceptable behaviour, through specific guidelines, is particularly important. This includes the dissemination of United Nations norms and implementation principles, especially the Declaration, the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and the basic principles on the use of force and firearms by law enforcement officials (E/AC.57/1990/5/Add.5).

53. Acts of ommission as well as commission must be properly taken into account, not only nationally but also internationally. For this reason, a preparatory meeting for the Fourteenth International Congress on Penal Law, held at Batna, Algeria, in May 1989, recommended that victims of international offences should have the right to initiate criminal actions. Criminal jurisdictions could also play an important preventive role by consistently proscribing acts that might be preparatory or conducive to the excessive use of power. The creation and prosecution of such acts (délits-obstacles) would serve an important preventive function in reducing the likelihood of the escalation of crime and victimization. 48/

54. The growing acknowledgement of people's legitimate rights, especially in Eastern Europe, has increased accountability and strengthened the quest for guarantees against possible abuses. Steps taken elsewhere in the region are helping to forestall victimization. Under the new European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, a Committee of Eminent Persons has been established, which can act on its own initiative to verify the situation of persons under detention. If abuses are detected, the Committee can propose to the State in question ways in which they could be avoided. A similar inter-American initiative is being pursued. 49/ Measures are also needed to overcome impediments to the attainment of economic and social rights that are thwarting the well-being of millions of people in the world.

55. The prevention or curtailment of victimization is a priority matter underlined by the human price of its neglect. Knowledge of the abuses in progress and steps to stop their continuation and possible aggravation are necessary to forestall major tragedies. Crisis intervention, mediation and other forms of conflict resolution hold promise in this respect. An international Seminar on Early Warning and Conflict Resolution was held at Oslo, from 24 to 25 April 1989, sponsored by the International Peace Research Institute, Norway, and International Alert, United Kingdom. The participants found increasing consensus on the importance of creating an early warning capacity to predict potential conflicts likely to escalate into violence. But they noted that new preventive strategies were required and new coalitions would have to be created to develop and use it. They recommended collaborative research on the various factors and processes contributing to conflict escalation, including the role of non-State entities, such as transnational corporations or networks operating in such areas as the arms trade, drug trafficking and finance. They emphasized that the capacity to handle information, especially in developing countries, should be strengthened, with primary reliance on non-governmental organizations trained to use objective

*It has been recommended that, for this purpose, a procedure should be instituted permitting a practical way of refusing a superior's illegal order without incurring the danger of reprisal. See, for example, Jacques Verhaegen, "De l'adaptation de l'action pénale à la prévention des excès de pouvoir", Mélanges en l'honneur de Phédon Vegleris (Athens, 1988).

means of reporting, such as the Human Rights Information and Documentation System, International (HURIDOCS), which is developing standard formats for recording and exchanging information on violations involving disappearances, torture, extra-judicial killings and detention.* The Seminar called for a division of labour between the different organizations and for information-sharing arrangements. Attention was drawn to the need for training not only in methods of collecting and transferring information, but also in mediation and other conflict resolution techniques.**

VI. CONCLUSIONS: AN AGENDA FOR ACTION

56. The above-mentioned initiatives and other recent developments reflect the need for more effective, concerted national and international action to prevent and reduce victimization. They mirror the suggestions submitted in the report of the Secretary-General to the Committee at its tenth session (E/AC.57/1988/3, para. 70). It was noted that United Nations preventive monitoring and emergency response systems existed in respect of natural disasters and political crises but that there was a void, as yet, as far as human crises and abuses were concerned, which had to be filled. The Committee suggested that this aspect might be developed further.

57. By transferring the knowledge gained in crisis intervention, mediation and other forms of conflict resolution from the micro- to the macro-level, or situations in between, progress can be made in defusing tensions and stopping incipient victimization before it increases further. Some of the United Nations institutes for crime prevention and the treatment of offenders are giving special attention to informal means of social control and conflict resolution as an adjunct or alternative to criminal justice: 50/ this work could be expanded for application in relevant situations.

58. On the basis of the proposals made by the group of experts convened at Vienna, in October 1989, on the occasion of the Fourteenth International Congress on Penal Law, and of other initiatives mentioned in the present report, certain additional recommendations can be made for the consideration of the Committee.

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*"Nothing that has been done can lighten the burden on the human conscience imposed by the frequent, sometimes massive, violations of human rights in different parts of the world. The institutionalized system of racial discrimination ... the gross mistreatment of ethnic groups, the systematic practice of torture, the killings of unarmed demonstrators, the disappearances of individuals, summary arrests and executions furnish a most deplorable record. The year under review has brought little relief" (Report of the Secretary-General on the work of the Organization: September 1989" (A/44/1), sect. VII).

**International Peace Research Institute and International Alert, Early Warning and Conflict Resolution: A Conference Report, Oslo, 23-25 April 1989, p. 31. Also, the group of experts convened at Vienna in October 1989 on the occasion of the Fourteenth International Congress on Penal Law stressed that the international community must establish a warning system to monitor, and alert the world to, impending massive victimization anywhere so that progress could be made in defusing tensions and stopping incipient victimization before it increased further.

59. Action-oriented research is needed to determine the practices involving abuses of power that have not (yet) been proscribed and the groups most vulnerable to them. The formulation of guidelines, in a comparative law perspective, would facilitate national legislative reviews to bring existing provisions in line with changing socio-economic reality and the degree of harm inflicted by certain kinds of conduct. The exercise of power in the legislative process has to be analysed to ensure more equitable justice comensurate with the victimization caused. 51/ Interdisciplinary studies of the factors leading to the abuse of power and the dynamics of victimization are needed to facilitate counter-action. They could help to elaborate preventive strategies and control techniques. Research is also required to assess the effectiveness of the measures taken, as well as of the different methods of treatment for victims.

60. Little is known of the needs of certain groups, such as the victims of terrorism: these should be more fully explored, as should those of other particularly vulnerable victims, so that they can be afforded the requisite protection and assistance, as recommended by the Interregional Preparatory Meeting for the Eighth Congress on Topic III (A/CONF.144/IPM.4, para. 100). The ever-increasing victims of organized crime also require special measures and protective strategies, as do communities victimized by environmental depredations, such as dumping. Transnational victimization is the counterpart of transnational criminality and will have to be dealt with properly.

61. The overriding importance of training, at all levels and for all categories of staff, has been stressed repeatedly. This means not only technical know-how, but also education in the observance of human rights and the norms of ethical conduct. The Declaration and other international standards can serve as basic training materials, especially if they are made widely available and applied with technical assistance from the United Nations. Such training must include the police and the army, who are often serious abusers, and judges and others at the highest levels. Regional and interregional courses and seminars, organized in co-operation with the United Nations institutes for crime prevention and the treatment of offenders and with the support of United Nations funding agencies and interested Governments, could help to train the trainers. Workshops should also be held on various forms of conflict resolution, conducted jointly with other interested institutions and combined with pilot projects testing different models. Upgrading the response of the media by sensitivity training would enhance their role.

62. Since it is not always possible to take suitable action at the national level to remedy abuses of power, an external umbrella seems to be necessary. Subregional associations of the bar could fulfil a useful function, if properly assisted but, in the view of the group of experts convened at Vienna in October 1989, an international body with investigative powers is required, co-operating with national counterparts. As victimizing actions can be legalized nationally and many of them transcend domestic affairs and involve fundamental values beyond national jurisdictions, effective transnational means of recourse are required. The group therefore called for the establishment of an internationally recognized standing panel of experts or negotiators, drawn from all regions, entrusted with the tasks of fact-finding, mediation and arbitration and acting as a sort of ombudsman. It was also suggested that, in the case of persisting victimizing practices, punitive measures should be instituted: for instance, credit granted to the offending State could be withdrawn. The consideration of strategies and mechanisms that might feasibly be employed would benefit from the guidance of the Committee.

63. In line with the proposals made by the preparatory meetings, an international convention should be formulated to help countries to assist victims, with international aid in the identification and handling of cases. It should provide for the mutual recognition and enforcement of judgements in victim compensation cases, as well as broaden the scope of international judicial assistance. As recommended by the Fourteenth International Congress on Penal Law, "the victims of international crimes, in particular those committed through abuse of power, should be assured access to justice, for example, by giving them the possibility of initiating criminal proceedings." 52/ This matter should also be considered in the context of proposals for an international criminal jurisdiction,* and the Committee may wish to bear it in mind in related initiatives.

64. In accordance with the recommendations of recent meetings and those presented to the Committee, at its tenth session, in the report of the Secretary-General on measures to implement the Declaration (E/AC.57/1988/3), a comprehensive framework for international collaboration in preventing crime, abuses and victimization needs to be established, with a clear division of responsibilities, under the leadership of the United Nations and involving various entities of the United Nations system, intergovernmental (including regional) bodies and institutions and non-governmental organizations. The Committee could play a special role in this respect, with the help, possibly, of an inter-agency task force.

65. The right of people to international protection is being increasingly recognized.** It is now almost universally accepted that the safeguarding of human rights is the concern not only of individual States, but also of the entire international community. This includes Governments and intergovernmental organizations, as well as non-governmental organizations, which have been in the forefront of the defence of human and victims' rights; the media, which have drawn world attention to ongoing abuses; and the public at large, which must be ever vigilant. The United Nations has a special responsibility and can provide the framework for concerted action, using all parts of the system, other international and regional entities, professional associations, scientific institutions and broad-based support. Much can be done to contain victimization and suffering if the political will and the vision are there.

Notes

1/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: Report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. C.

2/ See "Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of

*Statutes for an international commission of criminal inquiry have been drafted by the International Law Association, as have those for an international court, whose establishment has been considered by the General Assembly (A/44/195) and by national legislatures (e.g. the U.S. Congress).

**As stated in a recent report, "The principle of international responsibility is being institutionalized, written into international law and practice" (Amnesty International, Report 1988 (London, AI Publication, 1988)), p. 2.

Offenders on Topic I: 'Crime Prevention and Criminal Justice in the Context of Development: Realities and Perspectives of International Co-operation', Vienna, 15-19 February 1988" (A/CONF.144/IPM.1), recommendation 10; "Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic II: 'Criminal Justice Policies in Relation to Problems of Imprisonment, Other Penal Sanctions and Alternative Measures', Vienna, 30 May-3 June 1988" (A/CONF.144/IPM.4), chap. I, paras. 20, 29 and 45; "Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic III: 'Effective National and International Action against (a) Organized Crime; (b) Terrorist Criminal Activities', Vienna, 14-18 March 1988" (A/CONF.144/IPM.2), chap. III, paras. 100 and 101; "Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic IV: 'Prevention of Delinquency, Juvenile Justice and the Protection of the Young: Policy Approaches and Directions', Vienna, 18-22 April 1988" (A/CONF.144/IPM.3), chap. II, paras. 17, 22, 24, 25, 27, 32 and 48; "Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic 5: 'United Nations Norms and Guidelines in Crime Prevention and Criminal Justice: Implementation and Priorities for Further Standard Setting', Vienna, 27 June-1 July 1988" (A/CONF.144/IPM.5), recommendation C, sect. V; recommendation D, sect. V; recommendation H, and chap. II, sect. B; "Latin American and Caribbean Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, San José, Costa Rica, 8-12 May 1989: report" (A/CONF.144/RPM.3), chap. II, para. 83; "Western Asia Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, Egypt, 27-31 May 1989: report" (A/CONF.144/RPM.4), resolution 2, and chap. II, paras. 98-100 and 106; and "African Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Addis Ababa, Ethiopia, 5-9 June 1989: report" (A/CONF.144/RPM.5), paras. 59-60 and 100-101.

3/ Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, Changing Victim Policy: the United Nations Victim Declaration and Recent Developments in Europe: Report on the Ad Hoc Expert Group Meeting, Helsinki, 17-20 November 1988, Publication Series No. 16 (Helsinki, 1989).

4/ Ibid. See also, for example, Hans-Joachim Schneider, "La posición jurídica de la victima del delito en el derecho y en el proceso penal", in Criminología y Derecho Penal al Servicio de la Persona: Libro-Homenaje al Profesor Antonio Beristain, J. L. de la Cuesta and others, eds. (San Sebastian, Donostiarra, 1989), pp. 379-394 and National Association of Victims' Support Schemes, The Victim in Court (London, 1988).

5/ World Organization Against Torture/SOS-Torture, Practical Guide to the International Procedures Relative to Complaint and Appeals against Acts of Torture, Disappearances and Other Inhuman or Degrading Treatment (Geneva, SOS-Torture, 1988). See, also, United Nations Action in the Field of Human Rights (United Nations publication, Sales No. E.88.IV.2) and Nigel Rodley, The Treatment of Prisoners under International Law (Oxford, Clarendon Press, 1987).

6/ Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. A.4.

7/ Ibid., sect. G.32.

8/ See, also, "Draft code of crimes against the peace and security of mankind: report of the Secretary-General" (A/44/465), José E. R. Ordóñez Cifuentes, "Derecho penal internacional y victimología, delitos de lesa humanidad, genocidio, etnocidio y democidio", Revista Mexicana de Justicia, vol. VI, No. 1 (January-March 1989), pp. 175-187 and Paul Gordon Lauren, Power and Prejudice: the Politics and Diplomacy of Racial Discrimination (Boulder, Colorado, Westview Press, 1988).

9/ Cecilia Medina, "Further developments in the Velasquez Rodriguez and the Godinez Cruz cases before the Inter-American Court of Human Rights", Netherlands Quarterly of Human Rights, vol. 7, No. 3 (1989), pp. 337-338.

10/ See A. A. Adeyemi, "Towards victims' remedies in criminal justice administration in Nigeria", and Femi Odekunle, "Compensating victims of organized crimes", papers presented to the National Conference on Criminal Justice: Restitution, Compensation and Victims' Remedies, Abuja, Nigeria, 28-30 June 1989.

11/ "Opfernentschädigung und europäisches Gemeinschaftsrecht", Neue Juristische Wochenschrift, vol. 42, No. 35 (30 August 1989), pp. 2166-2171.

12/ See, for example, France, Loi du 9 septembre 1986 touchant l'indemnisation des victimes d'actes terroristes et créant un fonds de garantie and Spain, Real Decreto 1.311/1988 sobre indemnizaciones a las victimas del terrorismo.

13/ See, also, Michelle B. Carron, "Victim compensation for hostages of terrorism involving aircraft: from Warsaw and beyond", Suffolk Transnational Law Journal, vol. 12, 1989, pp. 395-409, and "Compensating victims of terrorism: the current framework in the United States", Texas International Law Journal, vol. 22, pp. 383-387.

14/ Odekunle, op cit.

15/ Erica Daes, "Gross violations of human rights: the present state of international law", paper presented to a conference entitled "Compensation to Victims of Human Rights Violations: a Canadian initiative", Ottawa, 29-30 May 1989.

16/ The Association of the Bar of the City of New York, Committee on International Human Rights, Torture Victim Protection Act, 1988.

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